OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2015 Rhif 622 (Cy. 50)

PENSIYNAU GWASANAETHAU CYHOEDDUS, CYMRU

Rheoliadau Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2015

2015 No. 622 (W. 50)

PUBLIC SERVICE PENSIONS, WALES

The Firefighters' Pension Scheme (Wales) Regulations 2015

NODYN ESBONIADOL

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

Mae Rhan 1 o'r Rheoliadau hyn yn sefydlu cynllun ar gyfer talu pensiynau a buddion eraill i ddiffoddwyr tân yng Nghymru o 1 Ebrill 2015 ymlaen. Mae'r cynllun a sefydlir felly yn gynllun enillion ailbrisiedig cyfartaledd gyrfa.

Mae Rhan 2 yn cynnwys darpariaethau sy'n penodi awdurdodau tân ac achub yn "rheolwyr cynllun" ac yn caniatáu dirprwyo swyddogaethau Gweinidogion Cymru a'r rheolwyr cynllun o dan y Rheoliadau hyn. Mae Rhan 2 hefyd yn cynnwys darpariaethau ynglŷn â sefydlu, aelodaeth a gweithredu Byrddau Pensiynau Lleol a Bwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru.

Mae Rhan 3 yn darparu ar gyfer aelodaeth o gynllun. Mae'n pennu'r cysyniadau allweddol o gyflogaeth cynllun ac enillion pensiynadwy. Mae'n cynnwys darpariaethau cymhwystra a chofrestru awtomatig.

Mae Rhan 4 yn darparu ar gyfer sefydlu cyfrifon pensiwn aelod mewn perthynas â chyfnod di-dor o wasanaeth pensiynadwy o dan y cynllun hwn. Mae'n darparu hefyd ar gyfer sefydlu cyfrif aelod â chredyd pensiwn.

Mae Rhan 5 yn darparu ar gyfer hawlogaeth aelod i gael taliad o fuddion ymddeol, gan gynnwys buddion rhan-ymddeoliad a buddion afiechyd. Mae'n darparu hefyd ar gyfer aseinio buddion. Mae'n pennu'r cysyniad allweddol o wasanaeth cymwys.

Mae Rhan 6 yn darparu ar gyfer buddion marwolaeth taladwy i oedolion sy'n goroesi ac i blant cymwys ac ar gyfer talu buddion cyfandaliad.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 1 of these Regulations establishes a scheme for the payment of pensions and other benefits to firefighters in Wales from 1 April 2015. The scheme so established is a career average revalued earnings scheme.

Part 2 contains provisions appointing fire and rescue authorities as "scheme managers" and permitting the delegation of the Welsh Ministers' and the scheme managers' functions under these Regulations. Part 2 also contains provisions in relation to the establishment, membership and operation of Local Pensions Boards and the Firefighters' Scheme Advisory Board for Wales.

Part 3 provides for scheme membership. It sets out the key concepts of scheme employment and pensionable earnings. It contains eligibility and auto-enrolment provisions.

Part 4 provides for the establishment of a member's pension accounts in relation to a continuous period of pensionable service under this scheme. It also provides for the establishment of a pension credit member's account.

Part 5 provides for a member's entitlement to payment of retirement benefits including partial retirement benefits and ill-health benefits. It also provides for the assignment of benefits. It sets out the key concept of qualifying service.

Part 6 provides for death benefits payable to surviving adults and eligible children and for payment of lump sum benefits.

Mae Rhan 7 yn darparu ar gyfer buddion i aelodau â chredyd pensiwn.

Mae Rhan 8 yn darparu ar gyfer talu cyfraniadau gan aelodau a chyflogwyr.

Mae Rhan 9 yn darparu ar gyfer gwneud taliadau i mewn ac allan o Gronfa Bensiwn y Diffoddwyr Tân.

Mae Rhan 10 yn darparu ar gyfer gwneud a chael taliadau trosglwyddo.

Mae Rhan 11 yn darparu ar gyfer prisiadau actiwaraidd ac yn darparu ar gyfer cap ar gostau cyflogwyr sy'n ganran o enillion pensiynadwy aelodau o'r cynllun.

Mae Rhan 12 yn darparu ar gyfer penderfynu cwestiynau ac apelau.

Mae Rhan 13 yn cynnwys darpariaethau atodol ar dalu pensiynau, fforffedu a gwrthgyfrif, a thalu a didynnu treth.

Mae Atodlen 1 yn gwneud darpariaeth ar gyfer gwneud taliadau am bensiwn ychwanegol.

Mae Atodlen 2 yn gwneud darpariaeth drosiannol.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, mae asesiad effaith rheoleiddiol wedi ei baratoi o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi gan y Gangen Tân a Lluoedd Arfog, Llywodraeth Cymru, Rhyd-y-car, Merthyr Tudful, CF48 1UZ neu 0300 062 8221.

Part 7 provides for benefits for pension credit members.

Part 8 provides for the payment of contributions by members and employers.

Part 9 provides for payments to be made into and out of the Firefighters' Pension Fund.

Part 10 provides for making and receiving transfer payments.

Part 11 provides for actuarial valuations and provides for an employer cost cap which is a percentage of the pensionable earnings of the members of the scheme.

Part 12 provides for the determinations of questions and appeals.

Part 13 contains supplementary provisions on payment of pensions, forfeiture and set off, payment and deduction of tax.

Schedule 1 makes provision for payments for added pension.

Schedule 2 makes transitional provision.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Fire and Armed Forces Branch, Welsh Government, Rhydycar, Merthyr Tydfil, CF48 1UZ or 0300 062 8221.

2015 Rhif 622 (Cy. 50)

PENSIYNAU GWASANAETHAU CYHOEDDUS, CYMRU

Rheoliadau Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2015

Gwnaed *9 Mawrth 2015*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *10 Mawrth 2015*

Yn dod i rym *1 Ebrill 2015*

CYNNWYS

RHAN 1
Rhagarweiniol

1. Enwi a chychwyn
2. Sefydlu Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2015
3. Dehongli

RHAN 2
Llywodraethu

4. Rheolwr cynllun
5. Byrddau pensiynau lleol: sefydlu
6. Bwrdd pensiynau lleol: aelodaeth
7. Byrddau pensiynau lleol: gwrthdrawiad buddiannau
8. Byrddau pensiynau lleol: canllawiau a chyngor
9. Byrddau pensiynau lleol: cyhoeddi gwybodaeth
10. Bwrdd cynghori'r cynllun: sefydlu
11. Bwrdd cynghori'r cynllun: aelodaeth
12. Bwrdd cynghori'r cynllun: gwrthdrawiad buddiannau
13. Bwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru: canllawiau
14. Dirprwyo

2015 No. 622 (W. 50)

PUBLIC SERVICE PENSIONS, WALES

The Firefighters' Pension Scheme (Wales) Regulations 2015

Made *9 March 2015*

Laid before the National Assembly for Wales *10 March 2015*

Coming into force *1 April 2015*

CONTENTS

PART 1
Preliminary

1. Title and commencement
2. Establishment of Firefighters' Pension Scheme (Wales) 2015
3. Interpretation

PART 2
Governance

4. Scheme manager
5. Local pension boards: establishment
6. Local pensions board: membership
7. Local pension boards: conflict of interest
8. Local pension boards: guidance and advice
9. Local pension boards: publication of information
10. Scheme advisory board: establishment
11. Scheme advisory board: membership
12. Scheme advisory board: conflict of interest
13. The Firefighters' Pension Scheme Advisory Board for Wales: guidance
14. Delegation

RHAN 3
Aelodaeth o'r cynllun
PENNOD 1
Cymhwystra ar gyfer aelodaeth actif
15. Cyflogaeth gynllun
16. Personau cymwys
17. Gwasanaeth mewn dwy neu ragor o gyflogaethau cynllun

PENNOD 2
Gwasanaeth pensiynadwy
18. Cymhwyso'r Bennod
19. Dehongli'r Bennod
20. Cofrestru awtomatig
21. Optio i mewn i'r cynllun hwn
22. Ailgofrestru awtomatig
23. Optio allan o'r cynllun hwn
24. Optio allan cyn diwedd y tri mis cyntaf
25. Optio allan ar ôl y tri mis cyntaf

PENNOD 3
Tâl pensiynadwy
26. Tâl pensiynadwy
27. Ystyr "tâl pensiynadwy tybiedig"

PENNOD 4
Aelodaeth
28. Aelodaeth actif
29. Aelodaeth ohiriedig
30. Aelod â chredyd pensiwn

RHAN 4
Cyfrifon pensiwn
PENNOD 1
Rhagarweiniol
31. Disgrifiad o bensiwn

PENNOD 2
Cyfrifo pensiwn cronedig
32. Cyfrifo swm pensiwn cronedig at y diben o ohirio neu ymddeol

PENNOD 3
Cyfrifo addasiadau
33. Cyfrifo "addasiad mynegai ymddeol"
34. Cyfrifo "addasiad mynegai DPC ymddeol"
35. Penderfynu'r "ychwanegiad oedran"

PART 3
Scheme membership
CHAPTER 1
Eligibility for active membership
15. Scheme employment
16. Eligible persons
17. Service in two or more scheme employments

CHAPTER 2
Pensionable service
18. Application of Chapter
19. Interpretation of Chapter
20. Automatic enrolment
21. Opting into this scheme
22. Automatic re-enrolment
23. Opting out of this scheme
24. Opting out before the end of the first three months
25. Opting out after the first three months

CHAPTER 3
Pensionable pay
26. Pensionable pay
27. Meaning of "assumed pensionable pay"

CHAPTER 4
Membership
28. Active membership
29. Deferred membership
30. Pension credit member

PART 4
Pension accounts
CHAPTER 1
Preliminary
31. Description of pension

CHAPTER 2
Calculation of accrued pension
32. Calculation of amount of accrued pension for purpose of deferment or retirement

CHAPTER 3
Calculation of adjustments
33. Calculation of "retirement index adjustment"
34. Calculation of "retirement PIA index adjustment"
35. Determination of "the age addition"

36. Penderfynu'r "ychwanegiad oedran tybiedig"

PENNOD 4

Cyfrifon pensiwn: cyffredinol

37. Sefydlu cyfrifon pensiwn: cyffredinol

38. Cau ac addasu cyfrifon pensiwn wrth drosglwyddo allan neu wrth ad-dalu balans o gyfraniadau

PENNOD 5

Cyfrif aelod actif

39. Cymhwyso'r Bennod

40. Sefydlu cyfrif aelod actif

41. Derbyn taliad gwerth trosglwyddiad

42. Derbyn taliad gwerth trosglwyddiad clwb

43. Swm y pensiwn ar gyfer blwyddyn gynllun

44. Balans agoriadol, addasiad mynegai ac ychwanegiad oedran

45. Dyfarniad afiechyd sy'n peidio â bod yn daladwy

46. Cau ac ailsefydlu cyfrif aelod actif

PENNOD 6

Cyfrif pensiwn ychwanegol

47. Sefydlu cyfrif pensiwn ychwanegol

48. Y cyfrif i bennu swm y pensiwn ychwanegol

49. Y cyfrif i bennu'r balans agoriadol a'r addasiad mynegai DPC

50. Cau a throsglwyddo cyfrif pensiwn ychwanegol

51. Pensiwn afiechyd sy'n peidio â bod yn daladwy

PENNOD 7

Cyfrif aelod gohiriedig

52. Cymhwyso'r Bennod

53. Sefydlu cyfrif aelod gohiriedig

54. Swm dros dro o bensiwn gohiriedig

55. Swm y pensiwn gohiriedig ymddeol

56. Addasu cyfrif wedi i daliadau cynnar o bensiwn gohiriedig ddod i ben

57. Cyfrif a sefydlir ar ôl i ddyfarniad afiechyd beidio â bod yn daladwy

58. Cau cyfrif aelod gohiriedig ar ôl bwlch mewn gwasanaeth pensiynadwy nad yw'n hwy na phum mlynedd

36. Determination of "the assumed age addition"

CHAPTER 4

Pension accounts: general

37. Establishment of pension accounts: general

38. Closure and adjustment of pension accounts on transfer out or repayment of balance of contributions

CHAPTER 5

Active member's account

39. Application of Chapter

40. Establishment of active member's account

41. Receipt of a transfer value payment

42. Receipt of a club transfer value payment

43. Amount of pension for a scheme year

44. Opening balance, index adjustment and age addition

45. Ill-health award ceases to be payable

46. Closure and re-establishment of active member's account

CHAPTER 6

Added pension account

47. Establishment of added pension account

48. Account to specify amount of added pension

49. Account to specify opening balance and PIA index adjustment

50. Closure and transfer of added pension account

51. Ill-health pension ceases to be payable

CHAPTER 7

Deferred member's account

52. Application of Chapter

53. Establishment of deferred member's account

54. Provisional amount of deferred pension

55. Retirement amount of deferred pension

56. Adjustment of account after early payment of deferred pension ceases

57. Account established after ill-health award ceases to be payable

58. Closure of deferred member's account after gap in pensionable service not exceeding five years

PENNOD 8

Cyfrif ymddeol

59. Sefydlu cyfrif ymddeol ac addasiadau eraill

60. Y cyfrif i bennu swm y pensiwn ymddeol (aelodau actif)

PENNOD 9

Cyfrifon pensiwn ar gyfer aelod-oroeswyr

61. Sefydlu cyfrif aelod-oroeswr

62. Swm y pensiwn sy'n daladwy i aelod-oroeswr

PENNOD 10

Cyfrifon pensiwn ar gyfer aelodau â chredyd pensiwn

63. Sefydlu cyfrif aelod â chredyd pensiwn

64. Cyfrifon pensiwn eraill

RHAN 5

Buddion ymddeol

PENNOD 1

Dehongli

65. Cymhwyso'r Rhan

66. Gwasanaeth cymwys

PENNOD 2

Buddion ymddeol

67. Hawlogaeth i bensiwn ymddeol

68. Cyfradd flynyddol pensiwn ymddeol (aelodau actif)

69. Cyfradd flynyddol pensiwn ymddeol (aelodau gohiriedig)

70. Gostyngiad talu'n gynnar

71. Ymddeoliad a ysgogir gan gyflogwr

PENNOD 3

Buddion rhan-ymddeoliad

72. Arfer yr opsiwn o ran-ymddeoliad

73. Cyfradd flynyddol pensiwn ymddeol ar ôl arfer opsiwn o ran-ymddeoliad

PENNOD 4

Buddion afiechyd

74. Hawlogaeth i bensiwn afiechyd haen isaf a phensiwn afiechyd haen uchaf

75. Cyfradd flynyddol dyfarniadau afiechyd

76. Talu pensiwn ymddeol yn gynnar i aelod gohiriedig

77. Adolygu dyfarniad afiechyd neu daliad o bensiwn ymddeol yn gynnar

CHAPTER 8

Retirement account

59. Establishment of retirement account and other adjustments

60. Account to specify amount of retirement pension (active members)

CHAPTER 9

Pension accounts for survivor members

61. Establishment of survivor member's account

62. Amount of pension payable to survivor member

CHAPTER 10

Pension accounts for pension credit members

63. Establishment of pension credit member's account

64. Other pension accounts

PART 5

Retirement benefits

CHAPTER 1

Interpretation

65. Application of Part

66. Qualifying service

CHAPTER 2

Retirement benefits

67. Entitlement to retirement pension

68. Annual rate of retirement pension (active members)

69. Annual rate of retirement pension (deferred members)

70. Early payment reduction

71. Employer initiated retirement

CHAPTER 3

Partial retirement benefits

72. Exercise of partial retirement option

73. Annual rate of retirement pension after exercise of partial retirement option

CHAPTER 4

Ill-health benefits

74. Entitlement to lower tier ill-health pension and higher tier ill-health pension

75. Annual rate of ill-health awards

76. Early payment of retirement pension to deferred member

77. Review of ill-health award or early payment of retirement pension

78. Canlyniadau adolygu

PENNOD 5

Talu buddion ymddeol

79. Cychwyn pensiynau
80. Opsiwn i gymudo rhan o'r pensiwn

PENNOD 6

Dyrannu rhan o bensiwn

81. Dewisiad i ddyrannu
82. Gwneud dewisiad i ddyrannu
83. Effaith dyrannu
84. Addasu budd a ddyrannwyd

RHAN 6

Buddion marwolaeth

PENNOD 1

Dehongli

85. Ystyr "partner sy'n goroesi"
86. Ystyr "cyfnod dechreuol"

PENNOD 2

Pensiynau ar gyfer partneriaid sy'n goroesi

87. Pensiwn sy'n daladwy i bartner sy'n goroesi, ar farwolaeth aelod actif
88. Pensiwn sy'n daladwy i bartner sy'n goroesi, ar farwolaeth aelod gohiriedig
89. Pensiwn sy'n daladwy i bartner sy'n goroesi, ar farwolaeth aelod-bensiynwr
90. Pensiwn profedigaeth: partner sy'n goroesi
91. Lleihau pensiynau mewn achosion o wahaniaeth oedran eang
92. Lleiafswm pensiwn gwarantedig goroeswr

PENNOD 3

Pensiynau ar gyfer plant cymwys

93. Pensiwn plentyn cymwys
94. Ystyr "plentyn cymwys"
95. Pensiwn plentyn cymwys ar farwolaeth aelod actif
96. Pensiwn plentyn cymwys sy'n daladwy ar farwolaeth aelod gohiriedig
97. Pensiwn plentyn cymwys sy'n daladwy ar farwolaeth aelod-bensiynwr
98. Cyfran benodedig
99. Cynnydd mewn pensiwn plentyn cymwys pan nad oes partner sy'n goroesi
100. Cynnydd ym mhensiwn plentyn cymwys os oedd yr aelod yn aelod â debyd pensiwn

78. Consequences of review

CHAPTER 5

Payment of retirement benefits

79. Commencement of pensions
80. Option to commute part of pension

CHAPTER 6

Allocation of part of pension

81. Allocation election
82. Making an allocation election
83. Effect of allocation
84. Adjustment of allocated benefit

PART 6

Death benefits

CHAPTER 1

Interpretation

85. Meaning of "surviving partner"
86. Meaning of "initial period"

CHAPTER 2

Pensions for surviving partners

87. Surviving partner's pension payable on death of active member
88. Surviving partner's pension payable on death of deferred member
89. Surviving partner's pension payable on death of pensioner member
90. Bereavement pension: surviving partner
91. Reduction in pensions in cases of wide age disparity
92. Survivor's guaranteed minimum pensions

CHAPTER 3

Pensions for eligible children

93. Eligible child's pension
94. Meaning of "eligible child"
95. Eligible child's pension on death of active member
96. Eligible child's pension payable on death of deferred member
97. Eligible child's pension payable on death of pensioner member
98. Specified proportion
99. Increase in eligible child's pension where there is no surviving partner
100. Increase in eligible child's pension where member was pension debit member

101. Pensiwn profedigaeth: plentyn cymwys

PENNOD 4

Cyfandaliadau o fuddion marwolaeth

102. Ystyr "tâl terfynol"
103. Ystyr "tâl blynyddol terfynol"
104. Y person y mae cyfandaliad budd marwolaeth yn daladwy iddo
105. Cyfandaliad sy'n daladwy ar farwolaeth aelod actif
106. Cyfandaliad sy'n daladwy ar farwolaeth aelod-bensiynwr
107. Cyfandaliad sy'n daladwy ar farwolaeth mewn achosion penodol
108. Cyfandaliad sy'n daladwy ar farwolaeth aelod â chredyd pensiwn

PENNOD 5

Talu buddion marwolaeth

109. Talu pensiynau o dan y Rhan hon
110. Pensiynau partner sy'n goroesi a phensiynau plentyn cymwys: atal dros dro ac adennill
111. Dyfarniadau dros dro o bensiynau plentyn cymwys: addasiadau diweddarach
112. Addasu dyfarniadau plentyn cymwys o ganlyniad i adfer buddion pensiwn
113. Addasu buddion i gydymffurfio â DC 2004 pan fydd farw aelodau dros 75 mlwydd oed

RHAN 7

Buddion ar gyfer aelodau â chredyd pensiwn

114. Hawlogaeth i bensiwn aelod â chredyd pensiwn
115. Cyfradd flynyddol pensiwn aelod â chredyd pensiwn
116. Lleihau buddion aelod â debyd pensiwn
117. Hawliau aelod â chredyd pensiwn
118. Cymudo rhan o bensiwn

RHAN 8

Cyfraniadau

PENNOD 1

Cyfraniadau aelodau

119. Cyfraniadau aelodau
120. Cyfraniadau yn ystod absenoldeb o'r gwaith oherwydd salwch, anaf, anghydfod undebol neu absenoldeb awdurdodedig

101. Bereavement pension: eligible child

CHAPTER 4

Lump sum death benefits

102. Meaning of "final pay"
103. Meaning of "annualised final pay"
104. Person to whom lump sum death benefit payable
105. Lump sum payable on death of active member
106. Lump sum payable on death of pensioner member
107. Lump sum payable on death in certain cases
108. Lump sum payable on death of pension credit member

CHAPTER 5

Payment of death benefits

109. Payment of pensions under this Part
110. Surviving partner's pensions and eligible child's pensions: suspension and recovery
111. Provisional awards of eligible child's pensions: later adjustments
112. Adjustment of eligible child's awards consequent on re-instatement of pension benefits
113. Adjustment of benefits to comply with FA 2004 where members die over 75

PART 7

Benefits for pension credit members

114. Entitlement to pension credit members' pension
115. Annual rate of pension credit member's pension
116. Reduction in pension debit member's benefits
117. Pension credit member's rights
118. Commutation of part of pension

PART 8

Contributions

CHAPTER 1

Member contributions

119. Member contributions
120. Contributions during absence from work due to illness, injury, trade dispute or authorised absence

121. Cyfraniadau yn ystod absenoldeb o'r gwaith ar absenoldeb gwasanaeth lluoedd wrth gefn
122. Cyfraniadau yn ystod absenoldeb cysylltiedig â phlentyn
123. Didynnu a thalu cyfraniadau
124. Atodlen 1 (taliadau ar gyfer pensiwn ychwanegol)

PENNOD 2
Ad-dalu cyfraniadau aelod
125. Ad-dalu holl gyfraniadau aelod a'r holl daliadau ar gyfer pensiwn ychwanegol a wnaed gan aelod

PENNOD 3
Cyfraniadau cyflogwr
126. Cyfraniadau cyflogwr
127. Cyfraniad ychwanegol cyflogwr: dyfarniad afiechyd
128. Ad-dalu cyfraniad ychwanegol cyflogwr ar gyfer dyfarniad afiechyd, yn dilyn adolygiad
129. Cyfraniad ychwanegol cyflogwr: ymddeoliad a ysgogir gan gyflogwr

RHAN 9
Cronfa Bensiwn y Diffoddwyr Tân
130. Dehongli'r Rhan
131. Sefydlu Cronfa Bensiwn y Diffoddwyr Tân
132. Taliadau i mewn i Gronfa Bensiwn y Diffoddwyr Tân
133. Taliadau sydd i'w gwneud allan o Gronfa Bensiwn y Diffoddwyr Tân
134. Gwybodaeth sydd i'w darparu i Weinidogion Cymru
135. Amcangyfrifon o ddiffygion
136. Amcangyfrifon o wargedion
137. Diffygion gwirioneddol
138. Gwargedion gwirioneddol
139. Dyletswydd i ddarparu gwybodaeth

RHAN 10
Trosglwyddiadau
PENNOD 1
Rhagarweiniol
140. Cymhwyso'r Rhan hon
141. Dehongli mewn perthynas â'r Rhan hon

121. Contributions during absence from work on reserve forces service leave
122. Contributions during child-related leave
123. Deduction and payment of contributions
124. Schedule 1 (payments for added pension)

CHAPTER 2
Refund of member contributions
125. Refund of all member contributions and payments for added pension made by member

CHAPTER 3
Employer contributions
126. Employer contributions
127. Employer additional contribution: ill-health award
128. Refund of employer additional contribution for ill health award following review
129. Employer additional contribution: employer initiated retirement

PART 9
Firefighters' Pension Fund
130. Interpretation of Part
131. Establishment of Firefighters' Pension Fund
132. Payments into the Firefighters' Pension Fund
133. Payments to be made from the Firefighters' Pension Fund
134. Information to be provided to the Welsh Ministers
135. Estimated deficits
136. Estimated surpluses
137. Actual deficits
138. Actual surpluses
139. Duty to provide information

PART 10
Transfers
CHAPTER 1
Preliminary
140. Application of this Part
141. Interpretation in relation to this Part

PENNOD 2

Trosglwyddiadau allan

142. Taliadau trosglwyddo a wneir i gynlluniau neu drefniadau pensiwn eraill
143. Cais am ddatganiad o hawlogaeth
144. Datganiad o hawlogaeth
145. Cais am wneud taliad trosglwyddo
146. Cyfrifo swm gwerth trosglwyddiad neu werth trosglwyddiad clwb
147. Effaith trosglwyddiadau allan

PENNOD 3

Trosglwyddiadau i mewn

148. Cymhwyso'r Bennod
149. Dehongli'r Bennod
150. Cais am dderbyn taliad trosglwyddo
151. Datganiad trosglwyddo
152. Swm pensiwn trosglwyddedig
153. Datganiad o werth trosglwyddiad clwb
154. Swm pensiwn enilledig trosglwyddiad clwb

PENNOD 4

Trosglwyddo cofnodion cyfrif pensiwn i reolwr cynllun arall

155. Gofyniad bod rheolwr cynllun yn darparu tystysgrif
156. Cais am gadarnhau manylion ar dystysgrif
157. Apêl ynghylch cofnodion ar dystysgrif
158. Trosglwyddo cofnodion cyfrif pensiwn

RHAN 11

Prisiadau actiwaraidd

159. Penodi actiwari'r cynllun a phrisiadau actiwaraidd
160. Cap ar gostau cyflogwyr

RHAN 12

Penderfyniadau ac apelau

PENNOD 1

Penderfyniadau a rôl YMCA

161. Penderfyniadau gan y rheolwr cynllun
162. Rôl YMCA mewn penderfyniadau gan y rheolwr cynllun
163. Adolygu barn feddygol

CHAPTER 2

Transfers out

142. Transfer payments made to other schemes or pension arrangements
143. Application for a statement of entitlement
144. Statement of entitlement
145. Request for transfer payment to be made
146. Calculating the amount of a transfer value or club transfer value
147. Effect of transfers-out

CHAPTER 3

Transfers in

148. Application of Chapter
149. Interpretation of Chapter
150. Request for acceptance of a transfer payment
151. Transfer statement
152. Amount of transferred pension
153. Club transfer value statement
154. Amount of club transfer earned pension

CHAPTER 4

Transfer of pension account entries to another scheme manager

155. Requirement for scheme manager to provide a certificate
156. Request to confirm details on certificate
157. Appeal concerning entries on the certificate
158. Transfer of pension account entries

PART 11

Actuarial valuations

159. Appointment of scheme actuary and actuarial valuations
160. Employer cost cap

PART 12

Determinations and appeals

CHAPTER 1

Determinations and role of IQMP

161. Determinations by the scheme manager
162. Role of IQMP in determinations by the scheme manager
163. Review of medical opinion

PENNOD 2

Apelau i'r Bwrdd Canolwyr Meddygol

164. Apelau yn erbyn penderfyniadau ar sail tystiolaeth feddygol
165. Hysbysiad o apêl
166. Cyfeirio apêl i'r bwrdd
167. Y weithdrefn pan wneir apêl
168. Adroddiad y bwrdd
169. Ailystyried gan y bwrdd
170. Ffioedd a lwfansau sy'n daladwy i'r bwrdd
171. Treuliau pob un o'r partïon
172. Hysbysiadau etc.

PENNOD 3

Apelau ar faterion eraill

173. Apelau ar faterion eraill

RHAN 13

Atodol

PENNOD 1

Talu pensiynau

174. Talu addasiad mynegai ymddeol yn hwyr
175. Adennill gordaliad o fuddion
176. Lleiafswm pensiwn gwarantedig
177. Cymudo pensiynau bach
178. Taliadau ar gyfer personau sy'n analluog i reoli eu busnes eu hunain
179. Taliadau sy'n ddyledus mewn cysylltiad â phersonau a fu farw
180. Cyfyngiad ar aseinio buddion

PENNOD 2

Fforffedu

181. Fforffedu: troseddau a gyflawnir gan aelodau, partneriaid sy'n goroesi neu blant cymwys
182. Fforffedu pensiynau: troseddau a gyflawnir gan bersonau eraill
183. Fforffedu cyfandaliad budd marwolaeth: troseddau a gyflawnir gan bersonau eraill
184. Fforffedu: rhwymedigaethau ariannol perthnasol a cholledion ariannol perthnasol
185. Gwrthgyfrif
186. Fforffedu a gwrthgyfrif: gweithdrefn

CHAPTER 2

Appeals to Board of Medical Referees

164. Appeals against determinations based on medical evidence
165. Notice of appeal
166. Reference of appeal to the board
167. Procedure where appeal to be pursued
168. The board's report
169. Reconsideration by the board
170. Fees and allowances payable to the board
171. Expenses of each party
172. Notices etc.

CHAPTER 3

Appeals on other issues

173. Appeals on other issues

PART 13

Supplementary

CHAPTER 1

Payment of pensions

174. Late payment of retirement index adjustment
175. Recovery of overpayment of benefits
176. Guaranteed minimum pension
177. Commutation of small pensions
178. Payments for persons incapable of managing their affairs
179. Payments due in respect of deceased persons
180. Limitation on assignment of benefits

CHAPTER 2

Forfeiture

181. Forfeiture: offences committed by members, surviving partners or eligible children
182. Forfeiture of pensions: offences committed by other persons
183. Forfeiture of lump sum death benefit: offences committed by other persons
184. Forfeiture: relevant monetary obligations and relevant monetary losses
185. Set-off
186. Forfeiture and set-off: procedure

PENNOD 3

Talu a didynnu treth

187. Gweinyddwr cynllun at ddibenion Deddf Cyllid 2004
188. Talu'r tâl lwfans oes ar ran aelodau
189. Lleihau buddion pan fo tâl lwfans oes yn daladwy
190. Gwybodaeth ynghylch talu tâl lwfans oes
191. Lleihau buddion pan fo tâl lwfans oes wedi ei dalu gan reolwr cynllun

PENNOD 4

Cyffredinol

192. Cyfrifo cyfnodau o aelodaeth a gwasanaeth
193. Datganiadau blynyddol o wybodaeth am fuddion
194. Tystiolaeth o hawlogaeth
195. Gwybodaeth sydd i'w darparu i aelod cyn absenoldeb gwasanaeth lluoedd wrth gefn
196. Darpariaethau trosiannol
197. Dyletswydd i roi sylw i ganllawiau

CHAPTER 3

Payment and deduction of tax

187. Scheme administrator for the purposes of the Finance Act 2004
188. Payment on behalf of members of lifetime allowance charge
189. Reduction of benefits where lifetime allowance charge payable
190. Information about payment of annual allowance charge
191. Reduction of benefits where annual allowance charge paid by scheme manager

CHAPTER 4

General

192. Calculation of periods of membership and service
193. Annual benefit information statements
194. Evidence of entitlement
195. Information to be provided to a member before reserve forces service leave
196. Transitional provisions
197. Duty to have regard to guidance

YR ATODLENNI

ATODLEN 1 — Taliadau ar gyfer pensiwn ychwanegol
RHAN 1 — Dehongli
RHAN 2
ATODLEN 2 — Darpariaethau trosiannol
RHAN 1 — Cyffredinol
RHAN 2 — Aelodau diogelwch llawn o Gynllun 1992 neu CPNDT
RHAN 3 — Eithriadau i adran 18(1) o Ddeddf 2013: aelodau diogelwch taprog o Gynllun 1992 neu CPNDT
RHAN 4 — Cynllun 1992

SCHEDULES

SCHEDULE 1 — Payments for added pension
PART 1 — Interpretation
PART 2
SCHEDULE 2 — Transitional provisions
PART 1 — General
PART 2 — Full protection members of the 1992 Scheme or the NFPS
PART 3 — Exceptions to section 18(1) of the 2013 Act: tapered protection members of the 1992 Scheme or the NFPS
PART 4 — 1992 Scheme

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adrannau 1(1) a

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 1(1) and

(2)(f)(**1**), 2(1), 3(1), (2), (3)(a) ac (c), 4(5) a (6), fel y'u darllenir ar y cyd ag adran 4(1)(**2**), 7(2), 8(1)(a)(**3**), 12(6) a (7), ac 18(5), (5A)(**4**), (6) a (7), o Ddeddf Pensiynau'r Gwasanaethau Cyhoeddus 2013(**5**), a pharagraff 6(b) o Atodlen 2, Atodlen 3 a pharagraffau 20 a 21 o Atodlen 5, i'r Ddeddf honno.

Yn unol ag adran 21 o'r Ddeddf honno, mae Gweinidogion Cymru wedi ymgynghori â chynrychiolwyr y personau hynny y mae'n ymddangos yn debygol i Weinidogion Cymru yr effeithir arnynt gan y Rheoliadau hyn.

(2)(f)(**1**), 2(1), 3(1), (2), (3)(a) and (c), 4(5) and (6) as read with section 4(1)(**2**), 7(2), 8(1)(a)(**3**), 12(6) and (7), and 18(5), (5A)(**4**), (6) and (7) of, and paragraph 6(b) of Schedule 2, Schedule 3 and paragraphs 20 and 21 of Schedule 5 to, the Public Service Pensions Act 2013(**5**).

In accordance with section 21 of that Act, the Welsh Ministers have consulted the representatives of such persons as appear to the Welsh Ministers likely to be affected by these Regulations.

RHAN 1

Rhagarweiniol

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2015.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2015.

Sefydlu Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2015

2.—(1) Mae'r Rheoliadau hyn yn sefydlu cynllun ar gyfer talu pensiynau a buddion eraill i, neu mewn cysylltiad â, gweithwyr tân ac achub(**6**) sy'n ddiffoddwyr tân yng Nghymru.

(2) Enw'r cynllun hwn yw Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2015.

Dehongli

3. Yn y Rheoliadau hyn, oni fydd y cyd-destun yn mynnu'n wahanol,

ystyr "absenoldeb cysylltiedig â phlentyn" ("*child-related leave*") yw—

(a) absenoldeb mabwysiadu arferol,

(b) absenoldeb mamolaeth arferol,

(c) absenoldeb mamolaeth neu fabwysiadu ychwanegol,

(d) absenoldeb tadolaeth,

(**1**) Gweler hefyd adran 1(3) ac Atodlen 1.
(**2**) Yn dod i rym ar 1 Ebrill 2015.
(**3**) Gweler hefyd adran 8(2)(a) a (4).
(**4**) Mewnosodwyd is-adran (5A) gan Ddeddf Pensiynau 2014 (p. 19), adran 52.
(**5**) 2013 p. 25.
(**6**) Gweler paragraff 6 o Atodlen 1 i Ddeddf Pensiynau'r Gwasanaethau Cyhoeddus 2013 ar gyfer y diffiniad o "fire and rescue workers".

PART 1

Preliminary

Title and commencement

1.—(1) The title of these Regulations is the Firefighters' Pension Scheme (Wales) Regulations 2015.

(2) These Regulations come into force on 1 April 2015.

Establishment of Firefighters' Pension Scheme (Wales) 2015

2.—(1) These Regulations establish a scheme for the payment of pensions and other benefits to or in respect of fire and rescue workers(**6**) who are firefighters in Wales.

(2) This scheme is to be known as the Firefighters' Pension Scheme (Wales) 2015.

Interpretation

3. In these Regulations, unless the context otherwise requires—

"1992 Scheme" ("*Cynllun 1992*") means the Firefighters' Pension Scheme 1992 as set out in Schedule 2 to the Firemen's Pension Scheme Order 1992(**7**) as it has effect in Wales;

"2013 Act" ("*Deddf 2013*") means the Public Service Pensions Act 2013;

(**1**) See also section 1(3) and Schedule 1.
(**2**) Coming into force on 1 April 2015.
(**3**) See also section 8(2)(a) and (4).
(**4**) Subsection (5A) was inserted by the Pensions Act 2014 (c. 19), section 52.
(**5**) 2013 c. 25.
(**6**) See paragraph 6 of Schedule 1 to the Public Service Pensions Act 2013 for the definition of "fire and rescue workers".
(**7**) S.I. 1992/129. The name of the scheme was changed to the Firefighters' Pension (Wales) Scheme by S.I. 2004/2918 (W. 257). Other amendments made are not relevant to these Regulations.

(e) absenoldeb tadolaeth ychwanegol, neu

(f) cyfnod o absenoldeb rhiant;

ystyr "absenoldeb gwasanaeth lluoedd wrth gefn" ("*reserve forces service leave*") yw absenoldeb o ddyletswydd oherwydd galwad allan neu adalwad i wasanaethu'n barhaol yn lluoedd arfog Ei Mawrhydi o ganlyniad i hysbysiad galw allan a gyflwynwyd, neu orchymyn galw allan neu adalw a wnaed, o dan Ddeddf Lluoedd Wrth Gefn 1996 neu absenoldeb yn ystod hyfforddiant a wneir yn ofynnol o dan adran 22 neu a ganiateir o dan adran 27 o'r Ddeddf honno(**1**);

ystyr "absenoldeb mabwysiadu arferol" ("*ordinary adoption leave*") yw absenoldeb o dan adran 75A o Ddeddf Hawliau Cyflogaeth 1996(**2**);

ystyr "absenoldeb mabwysiadu ychwanegol" ("*additional adoption leave*") yw absenoldeb o dan adran 75B o Ddeddf Hawliau Cyflogaeth 1996(**3**);

ystyr "absenoldeb mamolaeth arferol" ("*ordinary maternity leave*") yw absenoldeb o dan adran 71 o Ddeddf Hawliau Cyflogaeth 1996(**4**);

ystyr "absenoldeb mamolaeth ychwanegol" ("*additional maternity leave*") yw absenoldeb o dan adran 73 o Ddeddf Hawliau Cyflogaeth 1996(**5**);

mae i "absenoldeb rhiant" ("*parental leave*") yr ystyr a roddir yn rheoliad 2(1) o Reoliadau Absenoldeb Mamolaeth a Rhiant etc. 1999(**6**);

ystyr "absenoldeb tadolaeth" ("*paternity leave*") yw absenoldeb o dan reoliad 4 neu 8 o Reoliadau Absenoldeb Tadolaeth a Mabwysiadu 2002(**7**);

ystyr "absenoldeb tadolaeth ychwanegol" ("*additional paternity leave*") yw absenoldeb o dan Reoliadau Absenoldeb Tadolaeth Ychwanegol 2010(**8**);

ystyr "actiwari'r cynllun" ("*scheme actuary*") yw'r actiwari a benodir gan Weinidogion Cymru o dan

(**1**) Diwygiwyd adran 27 gan baragraff 1 o Atodlen 17 i Ddeddf y Lluoedd Arfog 2006 (p. 52).
(**2**) Mewnosodwyd adran 75A gan adran 3 o Ddeddf Cyflogaeth 2002 (p. 22). Fe'i diwygiwyd gan adrannau 118, 121 a 122 o Ddeddf Plant a Theuluoedd 2014 (p. 6), a chan baragraff 33 o Atodlen 1 i Ddeddf Gwaith a Theuluoedd 2006 (p. 18).
(**3**) 1996 p. 18; mewnosodwyd adran 75B gan Ddeddf Cyflogaeth 2002 (p. 22), adran 3.
(**4**) Amnewidiwyd adran 71 gan Ddeddf Cysylltiadau Cyflogaeth 1999. Fe'i diwygiwyd gan adran 118 o Ddeddf Plant a Theuluoedd 2014 (p. 6), paragraff 31 o Atodlen 1 i Ddeddf Gwaith a Theuluoedd (p. 18) a chan adran 17 o Ddeddf Cyflogaeth 2002 (p. 22).
(**5**) Amnewidiwyd adran 73 gan Ddeddf Cysylltiadau Cyflogaeth 1999 (p. 26), adran 7 ac Atodlen 4.
(**6**) O.S. 1999/3312, y gwnaed diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(**7**) O.S. 2002/2788. Diwygiwyd rheoliadau 4 ac 8 gan O.S. 2005/1114 a 2014/2112.
(**8**) O.S. 2010/1055.

"FA 2004" ("*DC 2004*") means the Finance Act 2004(**1**);

"NFPS" ("*CPNDT*") means the New Firefighters' Pension Scheme (Wales) as set out in Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007(**2**);

"PIA 1971" ("*DPC 1971*") means the Pensions (Increase) Act 1971(**3**);

"PSA 1993" ("*DCauP 1993*") means the Pension Schemes Act 1993(**4**);

"WRPA 1999" ("*DDLlPh 1999*") means the Welfare Reform and Pensions Act 1999(**5**);

"accrued added pension" ("*pensiwn ychwanegol cronedig*") has the meaning given in regulation 32(4) (calculation of amount of accrued pension for purpose of deferment or retirement);

"accrued earned pension" ("*pensiwn enilledig cronedig*") has the meaning given in regulation 32(3) (calculation of amount of accrued pension for purpose of deferment or retirement);

"active member" ("*aelod actif*") has the meaning given in regulation 28 (active membership);

"active member's account" ("*cyfrif aelod actif*") means the account established under regulation 40 (establishment of active member's account);

"actuarial guidance" ("*canllawiau actiwaraidd*") means actuarial guidance issued by the Welsh Ministers after consultation with the scheme actuary;

"added pension election" ("*dewisiad pensiwn ychwanegol*") means the election to make added pension payments;

"added pension payments" ("*taliadau pensiwn ychwanegol*") means periodical payments or a lump sum payment for added pension made to this scheme;

"additional adoption leave" ("*absenoldeb mabwysiadu ychwanegol*") means leave under section 75B of the Employment Rights Act 1996(**6**);

"additional maternity leave" ("*absenoldeb mamolaeth ychwanegol*") means leave under section 73 of the Employment Rights Act 1996(**7**);

(**1**) 2004 c. 12.
(**2**) S.I. 2007/1072 (W. 110); Schedule 1 is the subject of amendments not relevant to these Regulations.
(**3**) 1971 c. 56.
(**4**) 1993 c. 48.
(**5**) 1999 c. 30.
(**6**) 1996 c. 18; section 75B was inserted by the Employment Act 2002 (c. 22), section 3.
(**7**) Section 73 was substituted by the Employment Relations Act 1999 (c. 26), section 7 and Schedule 4.

reoliad 159 (penodi actiwari'r cynllun a phrisiadau actiwaraidd);

ystyr "addasiad mynegai" ("*index adjustment*") yw—

(a) mewn perthynas â'r balans agoriadol o bensiwn enilledig ar gyfer unrhyw flwyddyn gynllun, y newid mewn enillion ar gyfer y flwyddyn gynllun flaenorol(**1**), a

(b) mewn perthynas â'r balans agoriadol o bensiwn enilledig trosglwyddiad clwb ar gyfer unrhyw flwyddyn gynllun, y mynegai ailbrisio mewn-gwasanaeth y byddai'r cynllun sy'n anfon wedi cymhwyso i'r pensiwn trosglwyddedig ar gyfer y flwyddyn gynllun honno, pe na bai'r pensiwn wedi ei drosglwyddo;

ystyr "addasiad mynegai DPC" ("*PIA index adjustment*"), mewn perthynas â balans agoriadol pensiwn ychwanegol ar gyfer unrhyw flwyddyn gynllun, yw swm y cynnydd y byddid wedi ei wneud yn y flwyddyn honno o dan DPC 1971, yng nghyfradd flynyddol pensiwn o swm hafal i'r balans agoriadol, pe bai—

(a) y pensiwn hwnnw'n gymwys i'w gynyddu felly, a

(b) diwrnod cyntaf y flwyddyn ariannol flaenorol yn ddyddiad cychwyn ar gyfer y pensiwn hwnnw;

mae i "addasiad mynegai DPC ymddeol" ("*retirement PIA index adjustment*"), mewn perthynas â swm pensiwn cronedig, yr ystyr a roddir yn rheoliad 34 (cyfrifo "addasiad mynegai DPC ymddeol");

mae i "addasiad mynegai ymddeol" ("*retirement index adjustment*"), mewn perthynas â swm pensiwn cronedig, yr ystyr a roddir yn rheoliad 33 (cyfrifo "addasiad mynegai ymddeol");

ystyr "aelod" ("*member*"), mewn perthynas â'r cynllun hwn, yw aelod actif, aelod gohiriedig, neu aelod-bensiynwr o'r cynllun hwn;

mae i "aelod â chredyd pensiwn" ("*pension credit member"*) yr ystyr a roddir gan reoliad 30 (aelod â chredyd pensiwn);

ystyr "aelod â debyd pensiwn" ("*pension debit member*"), mewn perthynas â'r cynllun hwn, yw person sy'n aelod o'r cynllun hwn ac y mae ei fuddion, neu ei fuddion yn y dyfodol, o dan y cynllun hwn wedi eu lleihau o dan adran 31 o

(**1**) O dan adran 9 o Ddeddf 2013, y newid mewn enillion sydd i'w gymhwyso mewn cyfnod yw'r cynnydd canran neu'r lleihad canran a bennir mewn gorchymyn Trysorlys o dan yr adran honno mewn perthynas â'r cyfnod hwnnw.

"additional paternity leave" ("*absenoldeb tadolaeth ychwanegol*") means leave under the Additional Paternity Leave Regulations 2010(**1**);

"age addition" ("*ychwanegiad oedran*") has the meaning given in regulation 35 (determination of "the age addition");

"allocation amount" ("*swm y dyraniad*") means the amount of the pension allocated as a result of making an allocation election;

"allocation election" ("*dewisiad i ddyrannu*") means an election under regulation 81 (allocation election);

"amount of accrued added pension" ("*swm y pensiwn ychwanegol cronedig*") has the meaning given in regulation 32(4) (calculation of amount of accrued pension for purpose of deferment or retirement);

"amount of accrued earned pension" ("*swm y pensiwn enilledig cronedig*") has the meaning given in regulation 32(3) (calculation of amount of accrued pension for purpose of deferment or retirement);

"amount of added pension" ("*swm y pensiwn ychwanegol*") means the amounts credited to the added pension account under paragraphs 11 or 14 of Schedule 1;

"annual allowance" ("*lwfans blynyddol*") has the meaning given in section 228 (annual allowance) of FA 2004(**2**);

"annual allowance charge" ("*tâl lwfans blynyddol*") has the meaning given in section 227 (annual allowance charge) of FA 2004(**3**);

"assumed age addition" ("*ychwanegiad oedran tybiedig*") has the meaning given in regulation 36 (determination of "the assumed age addition");

"assumed pensionable pay" ("*tâl pensiynadwy tybiedig*") has the meaning given in regulation 27 (meaning of "assumed pensionable pay");

"authority" ("*awdurdod*") means a fire and rescue authority for an area in Wales determined in accordance with section 1 of the Fire and Rescue Services Act 2004(**4**);

"award" ("*dyfarniad*") means an award of a benefit under these Regulations;

(**1**) S.I. 2010/1055.

(**2**) Section 228 was substituted by the Finance Act 2011 (c. 11), Schedule 17, paragraphs 1 and 4 and was amended by the Finance Act 2013 (c. 29), section 49.

(**3**) Section 227 was amended by Finance Act 2011, sections 65 and 66, Schedule 16, paragraph 45 and Schedule 17, paragraphs 1 and 3.

(**4**) 2004 c. 21.

DDLlPh 1999 (lleihau budd o dan orchymyn rhannu pensiwn);

mae i "aelod a ddiogelir" ("*protected member*"), mewn perthynas â Chynllun 1992 neu CPNDT, yr ystyr a roddir yn Atodlen 2;

mae i "aelod actif" ("*active member*") yr ystyr a roddir yn rheoliad 28 (aelodaeth actif);

mae i "aelod gohiriedig" ("*deferred member*") yr ystyr a roddir yn rheoliad 29 (aelodaeth ohiriedig);

mae i "aelod trosiannol" ("*transition member*") yr ystyr a roddir ym mharagraff 1 o Atodlen 2;

ystyr "aelod-bensiynwr" ("*pensioner member*"), mewn perthynas â'r cynllun hwn, yw person sydd â'r hawl ganddo i gael taliad o bensiwn ymddeol ar unwaith o dan y cynllun hwn;

mae i "aelod-oroeswr" ("*survivor member*") yr ystyr a roddir yn rheoliad 61 (sefydlu cyfrif aelod-oroeswr);

mae i "anghydfod undebol" yr ystyr a roddir i "trade dispute" yn adran 218 o Ddeddf Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992(**1**);

ystyr "awdurdod" ("*authority*") yw awdurdod tân ac achub ar gyfer ardal yng Nghymru, y penderfynwyd arno yn unol ag adran 1 o Ddeddf Gwasanaethau Tân ac Achub 2004(**2**);

mae i "balans agoriadol" ("*opening balance*"), mewn perthynas â disgrifiad o bensiwn ar gyfer blwyddyn gynllun ac eithrio pensiwn ychwanegol, yr ystyr a roddir yn rheoliad 44 (balans agoriadol, addasiad mynegai ac ychwanegiad oedran) ac mewn perthynas â phensiwn ychwanegol, yr ystyr a roddir yn rheoliad 49 (y cyfrif i bennu'r balans agoriadol a'r addasiad mynegai DPC);

ystyr "blwyddyn ariannol" ("*financial year*") yw cyfnod o un flwyddyn sy'n dechrau gydag 1 Ebrill ac yn diweddu gyda 31 Mawrth;

ystyr "blwyddyn dreth" ("*tax year*") yw cyfnod o un flwyddyn sy'n gyfnod asesu at ddibenion treth incwm;

ystyr "blwyddyn gynllun" ("*scheme year*") yw cyfnod o un flwyddyn sy'n dechrau gydag 1 Ebrill ac yn diweddu gyda 31 Mawrth;

ystyr "blwyddyn gynllun actif olaf" ("*last active scheme year*") yw'r flwyddyn gynllun pan fo aelod actif o'r cynllun hwn yn peidio â bod mewn gwasanaeth pensiynadwy o dan y cynllun hwn;

"beginning date" ("*dyddiad cychwyn*"), in relation to a pension not attributable (directly or indirectly) to a pension credit, means the date on which the pension is deemed to begin for the purpose of section 8(2) (meaning of "pension" and other supplementary provisions) of PIA 1971(**1**);

"child-related leave" ("*absenoldeb cysylltiedig â phlentyn*") means—

(a) ordinary adoption leave,

(b) ordinary maternity leave,

(c) additional maternity or adoption leave,

(d) paternity leave,

(e) additional paternity leave, or

(f) a period of parental leave;

"closing date" ("*dyddiad cau*"), in relation to a transition member, has the meaning given in paragraph 1 of Schedule 2 (transitional provisions);

"club scheme" ("*cynllun clwb*") means a registered occupational pension scheme (other than a connected scheme) that has agreed to make and receive club transfer value payments under the club transfer arrangements;

"club transfer" ("*trosglwyddiad clwb*") means a transfer to or from this scheme under the club transfer arrangements;

"club transfer arrangements" ("*trefniadau trosglwyddiadau clwb*") means arrangements approved by the Welsh Ministers as providing reciprocal arrangements between this scheme and other registered occupational pension schemes for making and receiving club transfer value payments;

"club transfer earned pension" ("*pensiwn enilledig trosglwyddiad clwb*") means pension attributable to the receipt of a club transfer value payment;

"club transfer value" ("*gwerth trosglwyddiad clwb*") has the meaning given in regulation 141 (interpretation in relation to Part 10);

"club transfer value payment" ("*taliad gwerth trosglwyddiad clwb*") means payment of a club transfer value;

"cohabiting partner" ("*partner sy'n cyd-fyw*") has the meaning given in regulation 85 (meaning of "surviving partner");

(**1**) 1992 p. 52.
(**2**) 2004 p. 21.

(**1**) Section 8(2) was amended by the Pensions (Miscellaneous Provisions) Act 1990 (c. 7), section 1(5) and the WRPA 1999 (c. 30), section 39(1) and (4). Section 8(2) of PIA 1971 may be applied subject to such modifications, adaptations and exceptions as may be specified in regulations under section 5(3) of that Act.

ystyr "blwyddyn ymadael" ("*leaving year*") yw'r flwyddyn gynllun y mae'r diwrnod olaf perthnasol yn digwydd ynddi;

ystyr "buddion marwolaeth" ("*death benefits*") yw un rhyw un neu ragor o'r canlynol—

(a) pensiwn partner sy'n goroesi,

(b) pensiwn plentyn cymwys, neu

(c) cyfandaliad budd marwolaeth;

ystyr "buddion ymddeol" ("*retirement benefits*") yw buddion sy'n daladwy o dan Ran 5 (buddion ymddeol);

ystyr "Bwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru" ("*Firefighters' Pensions Scheme Advisory Board for Wales*") yw bwrdd a sefydlwyd o dan reoliad 10 (bwrdd cynghori'r cynllun: sefydlu);

ystyr "bwrdd pensiynau lleol" ("*local pension board*") yw bwrdd a sefydlir o dan reoliad 5 (byrddau pensiynau lleol: sefydlu);

ystyr "canllawiau actiwaraidd" ("*actuarial guidance*") yw canllawiau actiwaraidd a ddyroddir gan Weinidogion Cymru ar ôl ymgynghori ag actiwari'r cynllun;

ystyr "cofrestredig" ("*registered*"), mewn perthynas â chynllun pensiwn, yw cofrestredig o dan Bennod 2 o Ran 4 (cofrestru cynlluniau pensiwn) o DC 2004;

ystyr "CPNDT" ("*NFPS*") yw Cynllun Pensiwn Newydd y Diffoddwyr Tân (Cymru) fel y'i nodir yn Atodlen 1 i Orchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007(**1**);

ystyr "credyd pensiwn" ("*pension credit*") yw credyd o dan adran 29(1)(b) o DDLlPh 1999;

ystyr "cyfanswm y dyraniad" ("*total allocation amount*"), mewn perthynas â swm pensiwn ymddeol, yw cyfanswm y pensiwn hwnnw a ddyrennir o dan Bennod 6 o Ran 5 (buddion ymddeol);

mae i "cyflogaeth gynllun" ("*scheme employment*") yr ystyr a roddir yn rheoliad 15 (cyflogaeth gynllun);

ystyr "cyflogaeth reolaidd" ("*regular employment*") yw cyflogaeth am o leiaf 30 awr yr wythnos ar gyfartaledd am gyfnod o ddim llai na 12 mis yn olynol gan ddechrau gyda'r dyddiad pan fo mater galluogrwydd person i wneud gwaith cyflogedig yn codi;

"the commutation amount" ("*swm y cymudiad*"), in relation to a pension, means the amount of the pension exchanged for a lump sum as a result of the exercise of the commutation option;

"commutation option" ("*opsiwn cymudo*") means the option to exchange part of a pension for a lump sum—

(a) exercisable under regulation 80 (option to commute part of pension) in relation to a retirement pension, or

(b) exercisable under regulation 118 (commutation of part of pension) in relation to a pension credit member's pension;

"connected scheme" ("*cynllun cysylltiedig*") means another statutory pension scheme that is connected, within the meaning of section 4(6) of the 2013 Act, with this scheme;

"continuity of service" ("*parhad gwasanaeth*"), in relation to a transition member, has the meaning given in paragraph 2 of Schedule 2;

"continuous period of pensionable service" ("*cyfnod di-dor o wasanaeth pensiynadwy*"), in relation to this scheme, means a period of pensionable service under this scheme disregarding any gap in pensionable service not exceeding five years unless otherwise provided;

"death benefits" ("*buddion marwolaeth*") means any of the following—

(a) a surviving partner's pension,

(b) an eligible child's pension, or

(c) a lump sum death benefit;

"deferred member" ("*aelod gohiriedig*") has the meaning given in regulation 29 (deferred membership);

"deferred member's account" ("*cyfrif aelod gohiriedig*") has the meaning given in regulation 53 (establishment of deferred member's account);

"deferred pension age" ("*oedran pensiwn gohiriedig*") is the same as a person's state pension age, or 65 if that is higher;

"early payment reduction" ("*gostyngiad talu'n gynnar*") has the meaning given in regulation 70 (early payment reduction);

"earned pension" ("*pensiwn enilledig*") means earned pension payable without actuarial reduction at normal pension age;

"eligible child" ("*plentyn cymwys*") has the meaning given in regulation 94 (meaning of "eligible child");

"eligible child's pension" ("*pensiwn plentyn cymwys*") has the meaning given in regulation 93 (eligible child's pension);

(**1**) O.S. 2007/1072 (Cy. 110); gwnaed diwygiadau i Atodlen 1 nad ydynt yn berthnasol i'r Rheoliadau hyn.

mae i "cyflogwr cynllun" ("*scheme employer*") yr ystyr a roddir yn rheoliad 15 (cyflogaeth gynllun);

ystyr "cyfnod di-dor o wasanaeth pensiynadwy" ("*continuous period of pensionable service*"), mewn perthynas â'r cynllun hwn, yw cyfnod o wasanaeth pensiynadwy o dan y cynllun hwn gan ddiystyru unrhyw fwlch mewn gwasanaeth pensiynadwy nad yw'n hwy na phum mlynedd, oni ddarperir yn wahanol;

ystyr "cyfnod tâl" ("*pay period*") yw'r cyfnod y gwneir taliad o dâl pensiynadwy mewn cysylltiad ag ef;

mae i "cyfradd wythnosol", mewn perthynas â lleiafswm pensiwn gwarantedig, yr ystyr a roddir i "weekly rate" yn rheoliad 55(2) o Reoliadau Cynlluniau Pensiwn Galwedigaethol (Contractio Allan) 1996(**1**);

mae i "cyfran benodedig" ("*specified proportion*") yr ystyr a roddir yn rheoliad 98 (cyfran benodedig);

mae i "cyfraniadau aelodau" ("*member contributions*") yr ystyr a roddir yn rheoliad 119(8) (cyfraniadau aelodau);

mae i "cyfrif aelod â chredyd pensiwn" ("*pension credit member's account*") yr ystyr a roddir yn rheoliad 63 (sefydlu cyfrif aelod â chredyd pensiwn);

ystyr "cyfrif aelod actif" ("*active member's account*") yw'r cyfrif a sefydlwyd o dan reoliad 40 (sefydlu cyfrif aelod actif);

mae i "cyfrif aelod gohiriedig" ("*deferred member's account*") yr ystyr a roddir yn rheoliad 53 (sefydlu cyfrif aelod gohiriedig);

mae i "cyfrif ymddeol" ("*retirement account*") yr ystyr a roddir yn rheoliad 59 (sefydlu cyfrif ymddeol ac addasiadau eraill);

ystyr "Cynllun 1992" ("*1992 Scheme*") yw Cynllun Pensiwn y Dynion Tân 1992 fel y'i nodir yn Atodlen 2 i Orchymyn Cynllun Pensiwn y Dynion Tân 1992(**2**) ac fel y mae'n cael effaith yng Nghymru;

ystyr "cynllun clwb" ("*club scheme*") yw cynllun pensiwn galwedigaethol cofrestredig (ac eithrio cynllun cysylltiedig) sydd wedi cytuno i wneud a derbyn taliadau gwerth trosglwyddiad clwb o dan y trefniadau trosglwyddiadau clwb;

ystyr "cynllun cysylltiedig" ("*connected scheme*") yw cynllun pensiwn statudol arall sy'n gysylltiedig

(**1**) O.S. 1996/1172. Diwygiwyd rheoliad 55(2) gan O.S. 2014/560.

(**2**) O.S. 1992/129. Newidiwyd enw'r cynllun i Gynllun Pensiwn y Dynion Tân (Cymru) gan O.S. 2004/2918 (Cy. 257). Nid yw'r diwygiadau eraill a wnaed yn berthnasol i'r Rheoliadau hyn.

"eligible person" ("*person cymwys*") has the meaning given in regulation 16 (eligible persons);

"financial year" ("*blwyddyn ariannol*") means a period of one year beginning with 1 April and ending with 31 March;

"Firefighters' Pensions Scheme Advisory Board for Wales" ("*Bwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru*") means a board established under regulation 10 (scheme advisory board: establishment);

"GMP age" ("*oedran LlPG*") means 65 in the case of a man or 60 in the case of a woman;

"guaranteed minimum" ("*lleiafswm gwarantedig*") means the guaranteed minimum as defined in sections 14(**1**) (earner's guaranteed minimum) and 17(**2**) (minimum pensions for widows and widowers) of PSA 1993—

(a) as increased in accordance with the requirements of section 109(**3**) of that Act (annual increase of guaranteed minimum pensions), and

(b) if a reduction has been made under section 15A(**4**) of that Act (reduction of guaranteed minimum in consequence of pension debit), as reduced in accordance with that section;

"higher tier ill-health pension" ("*pensiwn afiechyd haen uchaf*") means a higher tier ill-health pension payable under regulation 74(2) (entitlement to lower tier ill-health pension and higher tier ill-health pension);

"ill-health award" ("*dyfarniad afiechyd*") means—

(a) a lower tier ill-health pension, and

(b) a higher tier ill-health pension where this has also been awarded;

"index adjustment" ("*addasiad mynegai*") means—

(**1**) Section 14 was amended by the Pensions Act 1995 (c. 26), Schedule 5, paragraph 27 and Schedule 7, Part 3; the Social Security Contributions (Transfer of Functions etc.) Act 1999 (c. 2), Schedule 1, paragraph 38; and the Proceeds of Crime Act 2002 (c. 29), Schedule 11, paragraphs 1 and 22.

(**2**) Section 17 was amended by the Social Security Contributions (Transfer of Functions etc.) Act 1999 (c. 2), Schedule 1, paragraph 39; the Child Support, Pensions and Social Security Act 2000 (c. 19), Schedule 5, paragraph 1 and Schedule 9, Part 3; the Pensions Act 2004 (c. 35), section 284(2); the Pensions Act 2007 (c. 22), section 14(2); the Marriage (Same Sex Couples) Act 2013 (c. 30), Schedule 4, paragraphs 18 and 20; and S.I. 2005/2050 and 2014/560.

(**3**) Section 109 was amended by the Pensions Act 1995 (c .26), section 55 and S.I. 2005/2050.

(**4**) Section 15A was inserted by the Welfare Reform and Pensions Act 1999 (c. 30), section 32(1) and (3).

â'r cynllun hwn o fewn ystyr adran 4(6) o Ddeddf 2013;

ystyr "y cynllun hwn" ("*this scheme*") yw'r cynllun a sefydlir gan y Rheoliadau hyn;

mae i "cynllun pensiwn galwedigaethol" ("*occupational pension scheme*") yr ystyr a roddir yn adran 1 o DCauP 1993(**1**);

ystyr "cynllun pensiwn personol" yw cynllun pensiwn personol o fewn y diffiniad o "personal pension scheme" yn adran 1 o DCauP 1993 sydd yn gynllun pensiwn cofrestredig;

ystyr "cynllun sy'n anfon" ("*sending scheme*") yw cynllun clwb sy'n talu gwerth trosglwyddiad clwb;

ystyr "DC 2004" ("*FA 2004*") yw Deddf Cyllid 2004(**2**);

ystyr "DCauP 1993" ("*PSA 1993*") yw Deddf Cynlluniau Pensiwn 1993(**3**);

ystyr "DDLlPh 1999" ("*WRPA 1999*") yw Deddf Diwygio Lles a Phensiynau 1999(**4**);

ystyr "Deddf 2013" ("*2013 Act*") yw Deddf Pensiynau'r Gwasanaethau Cyhoeddus 2013;

ystyr "DPC 1971" ("*PIA 1971*") yw Deddf Pensiynau (Cynnydd) 1971(**5**);

ystyr "dewisiad i ddyrannu" ("*allocation election*") yw dewisiad o dan reoliad 81 (dewisiad i ddyrannu);

ystyr "dewisiad pensiwn ychwanegol" ("*added pension election*") yw'r dewisiad i wneud taliadau pensiwn ychwanegol;

ystyr "diffoddwr tân gwirfoddol" ("*volunteer firefighter*") yw person (P) sy'n cymryd rhan weithredol mewn ymladd tân ar gyfer awdurdod—

(a) fel diffoddwr tân, ond nid fel diffoddwr rheolaidd na diffoddwr tân wrth gefn,

(b) ar delerau y mae'n ofynnol oddi tanynt, neu y caniateir ei gwneud yn ofynnol oddi tanynt, fod P yn ymladd tân, neu y caniateir ei gwneud yn ofynnol ei fod yn cyflawni dyletswyddau eraill sy'n briodol i rôl P fel diffoddwr tân (pa un ai yn lle ymladd tân, neu'n ychwanegol at ymladd tân),

(c) rhywfodd ac eithrio ar sail dros dro, a

(d) sydd dan rwymedigaeth i fod yn bresennol ar y cyfryw adegau a ystyrir yn angenrheidiol

(a) in relation to the opening balance of earned pension for any scheme year, the change in earnings for the previous scheme year(**1**), and

(b) in relation to the opening balance of club transfer earned pension for any scheme year, the in-service revaluation index that the sending scheme would have applied to the transferred pension for that scheme year, had it not been transferred;

"in-service revaluation index" ("*mynegai ailbrisio mewn-gwasanaeth*"), in relation to a pension scheme, means the percentage increase or decrease by which the pensionable earnings of a person, or a proportion of those earnings accrued as a pension, are revalued whilst the person is in pensionable service in that pension scheme;

"IQMP" ("*YMCA*") means a medical practitioner holding a diploma in occupational medicine or an equivalent or higher qualification issued by a competent authority in an EEA State, or being an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or an equivalent institution of an EEA State; and for the purposes of this definition "a competent authority" has the meaning given in section 55(1) of the Medical Act 1983(**2**);

"last active scheme year" ("*blwyddyn gynllun actif olaf*") means the scheme year in which an active member of this scheme ceases to be in pensionable service under this scheme;

"last day of pensionable service" ("*diwrnod olaf o wasanaeth pensiynadwy*") means the last day of a continuous period of pensionable service under this scheme;

"leaving year" ("*blwyddyn ymadael*") means the scheme year in which the relevant last day falls;

"local pension board" ("*bwrdd pensiynau lleol*") means a board established under regulation 5 (local pension boards: establishment);

"lower tier ill-health pension" ("*pensiwn afiechyd haen isaf*") means a lower tier ill-health pension payable under regulation 74(1) (entitlement to lower tier ill-health pension and higher tier ill-health pension);

"member" ("*aelod*"), in relation to this scheme, means an active member, deferred member, or pensioner member of this scheme;

(**1**) Gwnaed diwygiadau perthnasol i adran 1 gan adran 239 o Ddeddf Pensiynau 2004 (p. 35) a chan O.S. 2007/3014.
(**2**) 2004 p. 12.
(**3**) 1993 p. 48.
(**4**) 1999 p. 30.
(**5**) 1971 p. 56.

(**1**) Under section 9 of the 2013 Act the change in earnings to be applied in a period is the percentage increase or decrease as a Treasury order under that section may specify in relation to the period.
(**2**) 1983 c. 54; the definition of "competent authority" was inserted by S.I. 2007/3101.

gan y swyddog cyfrifol ac yn unol â'r gorchmynion a gaiff P;

ystyr "diffoddwr tân rheolaidd" ("*regular firefighter*") yw person (P) a gyflogir (pa un ai am amser cyflawn neu'n rhan amser) gan awdurdod—

(a) fel diffoddwr tân, ond nid fel diffoddwr tân wrth gefn na diffoddwr tân gwirfoddol,

(b) ar delerau y mae'n ofynnol oddi tanynt, neu y caniateir ei gwneud yn ofynnol oddi tanynt, fod P yn ymladd tân neu, heb doriad ym mharhad y cyfryw gyflogaeth, y caniateir ei gwneud yn ofynnol ei fod yn cyflawni dyletswyddau eraill sy'n briodol i rôl P fel diffoddwr tân (pa un ai yn lle ymladd tân, neu'n ychwanegol at ymladd tân), ac

(c) rhywfodd ac eithrio ar sail dros dro;

ystyr "diffoddwr tân wrth gefn" ("*retained firefighter*") yw person (P) a gyflogir gan awdurdod—

(a) fel diffoddwr tân, ond nid fel diffoddwr tân rheolaidd na diffoddwr tân gwirfoddol,

(b) ar delerau y mae'n ofynnol oddi tanynt, neu y caniateir ei gwneud yn ofynnol oddi tanynt, fod P yn ymladd tân neu, heb doriad ym mharhad y cyfryw gyflogaeth, y caniateir ei gwneud yn ofynnol ei fod yn cyflawni dyletswyddau eraill sy'n briodol i rôl P fel diffoddwr tân (pa un ai yn lle ymladd tân, neu'n ychwanegol at ymladd tân),

(c) rhywfodd ac eithrio ar sail dros dro, a

(d) sydd dan rwymedigaeth i fod yn bresennol ar y cyfryw adegau a ystyrir yn angenrheidiol gan y swyddog cyfrifol ac yn unol â'r gorchmynion a gaiff P;

ystyr "diwrnod olaf o wasanaeth pensiynadwy" ("*last day of pensionable service*") yw diwrnod olaf cyfnod di-dor o wasanaeth pensiynadwy o dan y cynllun hwn;

ystyr "y diwrnod olaf perthnasol" ("*the relevant last day*") yw—

(a) yn achos aelod rhan-ymddeoledig, y diwrnod yr arferwyd yr opsiwn o ran-ymddeoliad, a

(b) mewn achosion eraill, diwrnod olaf gwasanaeth pensiynadwy'r aelod;

mae i "dyddiad cau" ("*closing date*"), mewn perthynas ag aelod trosiannol, yr ystyr a roddir ym mharagraff 1 o Atodlen 2 (darpariaethau trosiannol);

ystyr "dyddiad cychwyn" ("*beginning date*"), mewn perthynas â phensiwn nad yw'n briodoladwy (yn uniongyrchol nac yn anuniongyrchol) i gredyd pensiwn, yw'r dyddiad

"member contributions" ("*cyfraniadau aelodau*") has the meaning given in regulation 119(8) (member contributions);

"normal pension age" ("*oedran pensiwn arferol*"), in relation to this scheme, means 60 as required by section 10(2) of the 2013 Act;

"occupational pension scheme" ("*cynllun pensiwn galwedigaethol*") has the meaning given in section 1 of PSA 1993(**1**);

"opening balance" ("*balans agoriadol*"), in relation to a description of pension for a scheme year other than added pension, has the meaning given in regulation 44 (opening balance, index adjustment and age addition) and in relation to added pension, has the meaning given in regulation 49 (account to specify opening balance and PIA index adjustment);

"ordinary adoption leave" ("*absenoldeb mabwysiadu arferol*") means leave under section 75A of the Employment Rights Act 1996(**2**);

"ordinary maternity leave" ("*absenoldeb mamolaeth arferol*") means leave under section 71 of the Employment Rights Act 1996(**3**);

"parental leave" ("*absenoldeb rhiant*") has the meaning given in regulation 2(1) of the Maternity and Parental Leave etc. Regulations 1999(**4**);

"partial retirement option" ("*opsiwn o ran-ymddeoliad*") means the option exercisable under regulation 72 (exercise of partial retirement option);

"paternity leave" ("*absenoldeb tadolaeth*") means leave under regulation 4 or 8 of the Paternity and Adoption Leave Regulations 2002(**5**);

"pay period" ("*cyfnod tâl*") means the period in respect of which a payment of pensionable pay is made;

"pension credit" ("*credyd pensiwn*") means a credit under section 29(1)(b) of WRPA 1999;

"pension credit member" ("*aelod â chredyd pensiwn*") has the meaning given by regulation 30 (pension credit member);

(**1**) Relevant amendments were made to section 1 by the Pensions Act 2004 (c. 35), section 239 and by S.I. 2007/3014.

(**2**) Section 75A was inserted by the Employment Act 2002 (c. 22), section 3. It was amended by the Children and Families Act 2014 (c. 6), sections 118, 121 and 122 and the Work and Families Act 2006 (c. 18), Schedule 1, paragraph 33.

(**3**) Section 71 was substituted by the Employment Relations Act 1999. It was amended by section 118 of the Children and Families Act 2014 (c. 6), the Work and Families Act 2014 (c. 18), Schedule 1, paragraph 31 and the Employment Act 2002 (c. 22), section 17.

(**4**) S.I. 1999/3312 to which there are amendments not relevant to these Regulations.

(**5**) S.I. 2002/2788. Regulations 4 and 8 were amended by S.I. 2005/1114 and 2014/2112.

yr ystyrir bod y pensiwn yn cychwyn at ddiben adran 8(2) (ystyr "pension" a darpariaethau atodol eraill) o DPC 1971(**1**);

ystyr "dyfarniad" ("*award*") yw dyfarniad o fudd o dan y Rheoliadau hyn;

ystyr "dyfarniad afiechyd" ("*ill-health award*") yw—

(a) pensiwn afiechyd haen isaf, a

(b) pensiwn afiechyd haen uchaf pan fo hwnnw hefyd wedi ei ddyfarnu;

ystyr "gorchymyn rhannu pensiwn" ("*pension sharing order*") yw unrhyw ddarpariaeth neu orchymyn a bennir yn adran 28 o DDLlPh 1999(**2**);

mae i "gostyngiad talu'n gynnar" ("*early payment reduction*") yr ystyr a roddir yn rheoliad 70 (gostyngiad talu'n gynnar);

ystyr "gwasanaeth cyhoeddus pensiynadwy" ("*pensionable public service*") yw gwasanaeth pensiynadwy o dan gynllun presennol(**3**) neu gynllun pensiwn corff cyhoeddus presennol fel y'i diffinnir ym mharagraff 1 o Atodlen 2;

mae i "gwasanaeth cymwys" ("*qualifying service*") yr ystyr a roddir yn rheoliad 66 (gwasanaeth cymwys);

mae i "gwerth trosglwyddiad" neu "gwerth trosglwyddo" ("*transfer value*") yr ystyr a roddir yn rheoliad 141 (dehongli mewn perthynas â Rhan 10);

mae i "gwerth trosglwyddiad clwb" ("*club transfer value*") yr ystyr a roddir yn rheoliad 141 (dehongli mewn perthynas â Rhan 10);

mae i "hawliau credyd pensiwn" yr ystyr a roddir i "pension credit rights" yn adran 124(1) o Ddeddf Pensiynau 1995(**4**);

mae i "lwfans blynyddol" (*"annual allowance"*) yr ystyr a roddir yn adran 228 (lwfans blynyddol) o DC 2004(**5**);

"pension credit member's account" ("*cyfrif aelod â chredyd pensiwn*") has the meaning given in regulation 63 (establishment of pension credit member's account);

"pension credit member's pension" ("*pensiwn aelod â chredyd pensiwn*") means a pension payable under regulation 114 (entitlement to pension credit member's pension);

"pension credit rights" ("*hawliau credyd pensiwn*") has the meaning given in section 124(1) of the Pensions Act 1995(**1**);

"pension debit member" ("*aelod â debyd pensiwn*"), in relation to this scheme, means a person who is a member of this scheme whose benefits or future benefits under this scheme have been reduced under section 31 of WRPA 1999 (reduction of benefit under pension sharing order);

"pensionable pay" ("*tâl pensiynadwy*") has the meaning given in regulation 26 (pensionable pay);

"pensionable public service" ("*gwasanaeth cyhoeddus pensiynadwy*") means pensionable service under an existing scheme(**2**) or an existing public body pension scheme as defined in paragraph 1 of Schedule 2;

"pensioner member" ("*aelod-bensiynwr*"), in relation to this scheme, means a person who is entitled to the immediate payment of a retirement pension under this scheme;

"pension sharing order" ("*gorchymyn rhannu pensiwn*") means any provision or order specified in section 28 of WRPA 1999(**3**);

"personal pension scheme" ("*cynllun pensiwn arferol*") means a personal pension scheme as defined in section 1 of PSA 1993 that is a registered pension scheme;

"PIA index adjustment" ("*addasiad mynegai DPC*"), in relation to the opening balance of added pension for any scheme year, means the amount by which the annual rate of a pension of an amount equal to the opening balance would have been increased in that year under PIA 1971 if—

(a) that pension were eligible to be so increased, and

(b) the beginning date for that pension were the first day of the previous financial year;

(**1**) Diwygiwyd adran 8(2) gan Ddeddf Pensiynau (Darpariaethau Amrywiol) 1990 (p. 7), adran 1(5) a chan DLlPh 1999 (p. 30), adran 39(1) a (4). Caniateir cymhwyso adran 8(2) o DPC 1971 yn ddarostyngedig i ba bynnag newidiadau, addasiadau ac eithriadau a bennir mewn rheoliadau o dan adran 5(3) o'r Ddeddf honno.

(**2**) Diwygiwyd adran 28 gan Ddeddf Partneriaethau Sifil 2004 (p. 33), Atodlen 27, paragraff 159 ac Atodlen 30, paragraff 1; Deddf Plant a Theuluoedd 2014 (p. 6), adran 18 a Deddf Pensiynau 2008 (p. 30), adran 128.

(**3**) Gweler adran 18(2) o Ddeddf 2013 ar gyfer ystyr "existing scheme".

(**4**) 1995 p. 26. Gwnaed diwygiadau i adran 124(1) o'r Ddeddf honno nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**5**) Amnewidiwyd adran 228 gan Ddeddf Cyllid 2011 (p. 11), Atodlen 17, paragraffau 1 a 4 ac fe'i diwygiwyd gan Ddeddf Cyllid 2013 (p. 29), adran 49.

(**1**) 1995 c. 26. There are amendments to section 124(1) of that Act which are not relevant to these Regulations.

(**2**) See section 18(2) of the 2013 Act for the meaning of "existing scheme".

(**3**) Section 28 was amended by the Civil Partnerships Act 2004 (c. 33), Schedule 27, paragraph 159 and Schedule 30, paragraph 1; the Children and Families Act 2014 (c. 6), section 18 and the Pensions Act 2008 (c. 30), section 128.

ystyr "lleiafswm gwarantedig" ("*guaranteed minimum*") yw'r lleiafswm gwarantedig fel y'i diffinnir yn adrannau 14(**1**) (lleiafswm gwarantedig enillydd) ac 17(**2**) (pensiynau lleiafswm ar gyfer gwragedd a gwŷr gweddw) o DCauP 1993—

(a) fel y'i cynyddir yn unol ag adran 109(**3**) o'r Ddeddf honno (cynnydd blynyddol mewn pensiynau lleiafswm gwarantedig), a

(b) os gwnaed gostyngiad o dan adran 15A(**4**) o'r Ddeddf honno (gostwng lleiafswm gwarantedig o ganlyniad i ddebyd pensiwn), fel y'i gostyngwyd yn unol â'r adran honno;

mae i "lluoedd wrth gefn" yr ystyr a roddir i "reserve forces" yn adran 1(2) o Ddeddf y Lluoedd Wrth Gefn 1996(**5**);

ystyr "mynegai ailbrisio mewn-gwasanaeth" ("in-service revaluation index"), mewn perthynas â chynllun pensiwn, yw canran y cynnydd neu'r lleihad a wneir yn enillion pensiynadwy person, neu gyfran o'r enillion hynny sydd wedi cronni fel pensiwn, drwy'u hailbrisio tra bo'r person hwnnw mewn gwasanaeth pensiynadwy yn y cynllun pensiwn hwnnw;

ystyr "oedran LlPG" ("*GMP age*") yw 65 yn achos dyn neu 60 yn achos menyw;

ystyr "oedran pensiwn arferol" ("*normal pension age*"), mewn perthynas â'r cynllun hwn, yw 60 fel sy'n ofynnol gan adran 10(2) o Ddeddf 2013;

mae "oedran pensiwn gohiriedig" ("*deferred pension age*") yr un peth ag oedran pensiwn y wladwriaeth y person, neu 65 os yw 65 yn fwy;

ystyr "opsiwn cymudo" ("*commutation option*") yw'r opsiwn i gyfnewid rhan o bensiwn am gyfandaliad—

(a) sy'n arferadwy o dan reoliad 80 (opsiwn i gymudo rhan o'r pensiwn) mewn perthynas â phensiwn ymddeol, neu

"protected member" ("*aelod a ddiogelir*"), in relation to the 1992 Scheme or the NFPS, has the meaning given in Schedule 2;

"provisional amount of deferred pension" ("*swm dros dro o bensiwn gohiriedig*") has the meaning given in regulation 54 (provisional amount of deferred pension);

"qualifying service" ("*gwasanaeth cymwys*") has the meaning given in regulation 66 (qualifying service);

"reference pay" ("*tâl cyfeirio*"), in relation to the pay of a retained or volunteer firefighter for any period, means the whole-time equivalent pensionable pay for that period of a regular firefighter employed in a similar role and with equivalent qualifying service;

"registered" ("*cofrestredig*"), in relation to a pension scheme, means registered under Chapter 2 of Part 4 (registration of pension schemes) of FA 2004;

"regular employment" ("*cyflogaeth reolaidd*") means employment for at least 30 hours a week on average over a period of not less than 12 consecutive months beginning with the date on which the issue of the person's capacity for employment arises;

"regular firefighter" ("*diffoddwr tân rheolaidd*") means a person (P) employed (whether whole-time or part-time) by an authority—

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

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

(c) otherwise than in a temporary capacity;

"the relevant last day" ("*y diwrnod olaf perthnasol*") means—

(a) for a partially retired member, the day on which the partial retirement option was exercised, and

(b) otherwise, the member's last day of pensionable service;

"reserve forces" ("*lluoedd wrth gefn*") has the meaning given in section 1(2) of the Reserve Forces Act 1996(**1**);

(**1**) Diwygiwyd adran 14 gan Ddeddf Pensiynau 1995 (p. 26), Atodlen 5, paragraff 27 ac Atodlen 7, Rhan 3; Deddf Cyfraniadau Nawdd Cymdeithasol (Trosglwyddo Swyddogaethau etc.) 1999 (p. 2), Atodlen 1, paragraff 38; a Deddf Enillion Troseddau 2002 (p. 29), Atodlen 11, paragraffau 1 a 22.

(**2**) Diwygiwyd adran 17 gan Ddeddf Cyfraniadau Nawdd Cymdeithasol (Trosglwyddo Swyddogaethau etc.) 1999 (p. 2), Atodlen 1, paragraff 39; Deddf Cymorth Plant, Pensiynau a Nawdd Cymdeithasol 2000 (p. 19), Atodlen 5, paragraff 1 ac Atodlen 9, Rhan 3; Deddf Pensiynau 2004 (p. 35), adran 284(2); Deddf Pensiynau 2007 (p. 22), adran 14(2); Deddf Priodasau (Cyplau o'r Un Rhyw) 2013 (p. 30), Atodlen 4, paragraffau 18 a 20; O.S. 2005/2050 a 2014/560.

(**3**) Diwygiwyd adran 109 gan Ddeddf Pensiynau 1995 (p. 26), adran 55 ac O.S. 2005/2050.

(**4**) Mewnosodwyd adran 15A gan Ddeddf Diwygio Lles a phensiynau 1999 (p. 30), adran 32(1) a (3).

(**5**) 1996 p. 14.

(**1**) 1996 c. 14.

(b) sy'n arferadwy o dan reoliad 118 (cymudo rhan o bensiwn) mewn perthynas â phensiwn aelod â chredyd pensiwn;

ystyr "opsiwn o ran-ymddeoliad" ("*partial retirement option*") yw'r opsiwn sy'n arferadwy o dan reoliad 72 (arfer yr opsiwn o ran-ymddeoliad);

mae i "parhad gwasanaeth" ("continuity of service"), mewn perthynas ag aelod trosiannol, yr ystyr a roddir ym mharagraff 2 o Atodlen 2;

mae i "partner sy'n cyd-fyw" ("*cohabiting partner*") yr ystyr a roddir yn rheoliad 85 (ystyr "partner sy'n goroesi");

mae i "partner sy'n goroesi" ("*surviving partner*") yr ystyr a roddir yn rheoliad 85 (ystyr "partner sy'n goroesi");

ystyr "pensiwn aelod â chredyd pensiwn" ("*pension credit member's pension*") yw pensiwn sy'n daladwy o dan reoliad 114 (hawlogaeth i bensiwn aelod â chredyd pensiwn);

ystyr "pensiwn afiechyd haen isaf" ("*lower tier ill-health pension*") yw pensiwn afiechyd haen isaf sy'n daladwy o dan reoliad 74(1) (hawlogaeth i bensiwn afiechyd haen isaf a phensiwn afiechyd haen uchaf);

ystyr "pensiwn afiechyd haen uchaf" ("*higher tier ill-health pension*") yw pensiwn afiechyd haen uchaf sy'n daladwy o dan reoliad 74(2) (hawlogaeth i bensiwn afiechyd haen isaf a phensiwn afiechyd haen uchaf);

ystyr "pensiwn enilledig" ("*earned pension*") yw pensiwn enilledig sy'n daladwy heb ostyngiad actiwaraidd yn yr oedran pensiwn arferol;

mae i "pensiwn enilledig cronedig" ("*accrued earned pension*") yr ystyr a roddir yn rheoliad 32(3) (cyfrifo swm pensiwn cronedig at y diben o ohirio neu ymddeol);

ystyr "pensiwn enilledig trosglwyddiad clwb" ("*club transfer earned pension*") yw pensiwn sy'n briodoladwy i dderbyniad o daliad gwerth trosglwyddiad clwb;

mae i "pensiwn enilledig ymddeol" ("*retirement earned pension*") yr ystyr a roddir yn rheoliad 60(2) (y cyfrif i bennu swm y pensiwn ymddeol (aelodau actif));

ystyr "pensiwn partner sy'n goroesi" ("*surviving partner's pension*") yw pensiwn sy'n daladwy i bartner sy'n goroesi o dan reoliad 87 (pensiwn sy'n daladwy i bartner sy'n goroesi, ar farwolaeth aelod actif), rheoliad 88 (pensiwn sy'n daladwy i bartner sy'n goroesi, ar farwolaeth aelod gohiriedig) neu reoliad 89 (pensiwn sy'n daladwy i bartner sy'n goroesi, ar farwolaeth aelod-bensiynwr);

"reserve forces service leave" ("*absenoldeb gwasanaeth lluoedd wrth gefn*") means absence from duty because of being called out or recalled for permanent service in Her Majesty's armed forces pursuant to a call-out notice served, or a call-out or recall order made, under the Reserve Forces Act 1996 or absence during training required under section 22 or permitted under section 27 of that Act(**1**);

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

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

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

(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 P receives;

"retirement account" ("*cyfrif ymddeol*") has the meaning given in regulation 59 (establishment of retirement account and other adjustments);

"retirement added pension" ("*pensiwn ychwanegol ymddeol*") has the meaning given in regulation 60(3) (account to specify amount of retirement pension (active members));

"retirement amount of deferred pension" ("*swm y pensiwn gohiriedig ymddeol*") has the meaning given in regulation 55(3) (retirement amount of deferred pension);

"retirement benefits" ("*buddion ymddeol*") means benefits payable under Part 5 (retirement benefits);

"retirement earned pension" ("*pensiwn enilledig ymddeol*") has the meaning given in regulation 60(2) (account to specify amount of retirement pension (active members));

"retirement index adjustment" ("*addasiad mynegai ymddeol*"), in relation to an amount of accrued pension, has the meaning given in regulation 33 (calculation of "retirement index adjustment");

"retirement pension" ("*pensiwn ymddeol*") means—

(a) in relation to a pensioner member who was an active member at the time of claiming a

(**1**) Section 27 was amended by the Armed Forces Act 2006 (c. 52), Schedule 17, paragraph 1.

mae i "pensiwn plentyn cymwys" ("*eligible child's pension*") yr ystyr a roddir yn rheoliad 93 (pensiwn plentyn cymwys);

ystyr "pensiwn trosglwyddedig" ("*transferred pension*") yw pensiwn sydd i'w briodoli i dderbyn taliad gwerth trosglwyddiad;

mae i "pensiwn ychwanegol cronedig" ("*accrued added pension*") yr ystyr a roddir yn rheoliad 32(4) (cyfrifo swm pensiwn cronedig at y diben o ohirio neu ymddeol);

mae i "pensiwn ychwanegol ymddeol" ("*retirement added pension*") yr ystyr a roddir yn rheoliad 60(3) (y cyfrif i bennu swm y pensiwn ymddeol (aelodau actif));

ystyr "pensiwn ymddeol" ("*retirement pension*") yw—

(a) mewn perthynas ag aelod-bensiynwr a oedd yn aelod actif ar yr adeg yr hawliodd bensiwn ymddeol, pensiwn enilledig ymddeol, a phensiwn ychwanegol ymddeol (os oes un);

(b) mewn perthynas ag aelod-bensiynwr a oedd yn aelod gohiriedig ar yr adeg yr hawliodd bensiwn ymddeol, swm y pensiwn gohiriedig ymddeol;

mae i "person cymwys" ("*eligible person*") yr ystyr a roddir yn rheoliad 16 (personau cymwys);

mae i "plentyn cymwys" ("*eligible child*") yr ystyr a roddir yn rheoliad 94 (ystyr "plentyn cymwys");

ystyr "rôl" ("*role*"), mewn perthynas â diffoddwr tân, yw'r rôl y cyflogir y diffoddwr tân ynddi am y tro, sef rôl a nodir yn "Fire and Rescue Services Rolemaps" a ddyroddwyd gan Gyd-gyngor Cenedlaethol Gwasanaethau Tân ac Achub yr Awdurdodau Lleol yn Awst 2005(**1**);

mae i "rheolwr cynllun" ("*scheme manager*"), ac eithrio pan fo'r cyd-destun yn mynnu'n wahanol, yr ystyr a roddir yn rheoliad 4 (rheolwr cynllun);

mae i "swm dros dro o bensiwn gohiriedig" ("*provisional amount of deferred pension*") yr ystyr a roddir yn rheoliad 54 (swm dros dro o bensiwn gohiriedig);

ystyr "swm y cymudiad" ("*the commutation amount*"), mewn perthynas â phensiwn, yw swm y pensiwn a gyfnewidir am gyfandaliad o ganlyniad i arfer yr opsiwn cymudo;

ystyr "swm y dyraniad" ("*allocation amount*") yw swm y pensiwn a ddyrennir o ganlyniad i wneud dewisiad i ddyrannu;

retirement pension, a retirement earned pension and a retirement added pension (if any);

(b) in relation to a pensioner member who was a deferred member at the time of claiming a retirement pension, the retirement amount of deferred pension;

"retirement PIA index adjustment" ("*addasiad mynegai DPC ymddeol*"), in relation to an amount of accrued pension, has the meaning given in regulation 34 (calculation of "retirement PIA index adjustment");

"role" ("*rôl*"), in relation to a firefighter, means the role in which the firefighter is for the time being employed, being a role set out in "Fire and Rescue Services Rolemaps" issued by the National Joint Council for Local Authority Fire and Rescue Services in August 2005(**1**);

"this scheme" ("*y cynllun hwn*") means the scheme established by these Regulations;

"scheme actuary" ("*actiwari'r cynllun*") means the actuary appointed by the Welsh Ministers under regulation 159 (appointment of scheme actuary and actuarial valuations);

"scheme employer" ("*cyflogwr cynllun*") has the meaning given in regulation 15 (scheme employment);

"scheme employment" ("*cyflogaeth gynllun*") has the meaning given in regulation 15 (scheme employment);

"scheme manager" ("*rheolwr cynllun*"), except where the context otherwise requires, has the meaning given in regulation 4 (scheme manager);

"scheme year" ("*blwyddyn gynllun*") means a period of one year beginning with 1 April and ending with 31 March;

"sending scheme" ("*cynllun sy'n anfon*") means a club scheme which pays a club transfer value;

"specified proportion" ("*cyfran benodedig*") has the meaning given in regulation 98 (specified proportion);

"statutory pay" ("*tâl statudol*") means—

(a) statutory adoption pay within the meaning of section 171ZL(1) (entitlement) of the Social Security Contributions and Benefits Act 1992(**2**),

(**1**) Mae copi ar gael yn http://www.local.gov.uk/c/document_library/get_file?uuid=326723e9-8192-4798-89bb-d152fb05fa5f&groupId=10180.

(**1**) A copy is available at http://www.local.gov.uk/c/document_library/get_file?uuid=326723e9-8192-4798-89bb-d152fb05fa5f&groupId=10180.

(**2**) 1992 c. 4. Section 171ZL was inserted by the Employment Act 2002 (c.22), section 4 and was amended by the Children and Families Act 2014 (c. 6), section 21 and by S.I. 2006/2012.

mae i "swm y pensiwn enilledig cronedig" ("*amount of accrued earned pension*") yr ystyr a roddir yn rheoliad 32(3) (cyfrifo swm pensiwn cronedig at y diben o ohirio neu ymddeol);

mae i "swm y pensiwn gohiriedig ymddeol" ("*retirement amount of deferred pension*") yr ystyr a roddir yn rheoliad 55(3) (swm y pensiwn gohiriedig ymddeol);

ystyr "swm y pensiwn ychwanegol" ("*amount of added pension*") yw'r symiau a gredydir i'r cyfrif pensiwn ychwanegol o dan baragraffau 11 neu 14 o Atodlen 1;

mae i "swm y pensiwn ychwanegol cronedig" ("*amount of accrued added pension*") yr ystyr a roddir yn rheoliad 32(4) (cyfrifo swm pensiwn cronedig at y diben o ohirio neu ymddeol);

ystyr "tâl cyfeirio" ("*reference pay*"), mewn perthynas â thâl diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol am unrhyw gyfnod, yw tâl pensiynadwy cyfwerth ag amser cyflawn am y cyfnod hwnnw y byddai diffoddwr tân rheolaidd sy'n cael ei gyflogi mewn rôl debyg a chyda gwasanaeth cymwys cyfwerth yn ei gael;

mae i "tâl lwfans blynyddol" ("*annual allowance charge*") yr ystyr a roddir yn adran 227 (tâl lwfans blynyddol) o DC 2004(**1**);

mae i "tâl pensiynadwy" ("*pensionable pay*") yr ystyr a roddir yn rheoliad 26 (tâl pensiynadwy);

mae i "tâl pensiynadwy tybiedig" ("*assumed pensionable pay*") yr ystyr a roddir yn rheoliad 27 (ystyr "tâl pensiynadwy tybiedig");

ystyr "tâl statudol" ("*statutory pay*") yw—

(a) tâl mabwysiadu statudol yn yr ystyr a roddir i "statutory adoption pay" yn adran 171ZL(1) (hawlogaeth) o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(**2**),

(b) tâl mamolaeth statudol yn yr ystyr a roddir i "statutory materity pay" yn adran 164(1) (tâl mamolaeth statudol – hawlogaeth a rhwymedigaeth i dalu) o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(**3**),

(c) tâl tadolaeth statudol arferol yn yr ystyr a roddir i "ordinary statutory paternity pay" yn adran 171ZA(1) (hawlogaeth: genedigaeth)

(b) statutory maternity pay within the meaning of section 164(1) (statutory maternity pay - entitlement and liability to pay) of the Social Security Contributions and Benefits Act 1992(**1**),

(c) ordinary statutory paternity pay within the meaning of section 171ZA(1) (entitlement: birth) or 171ZB(1) (entitlement: adoption) of the Social Security Contributions and Benefits Act 1992(**2**), or

(d) additional statutory paternity pay within the meaning of section 171ZEA(1) (entitlement to additional statutory paternity pay: birth) or 171ZEB(1) (entitlement to additional statutory paternity pay: adoption) of the Social Security Contributions and Benefits Act 1992(**3**);

"survivor member" ("*aelod-oroeswr*") has the meaning given in regulation 61 (establishment of survivor member's account);

"surviving partner" ("*partner sy'n goroesi*") has the meaning given in regulation 85 (meaning of "surviving partner");

"surviving partner's pension" ("*pensiwn partner sy'n goroesi*") means a pension payable to a surviving partner under regulation 87 (surviving partner's pension payable on death of active member), regulation 88 (surviving partner's pension payable on death of deferred member), or regulation 89 (surviving partner's pension payable on death of pensioner member);

"tax year" ("*blwyddyn dreth*") means a period of one year which is the period of assessment for income tax purposes;

"total allocation amount" ("*cyfanswm y dyraniad*"), in relation to an amount of retirement pension, means the total amount of that pension allocated under Chapter 6 of Part 5 (retirement benefits);

"trade dispute" ("*anghydfod undebol*") has the meaning given in section 218 of the Trade Union and Labour Relations (Consolidation) Act 1992(**4**);

(**1**) Diwygiwyd adran 227 gan Ddeddf Cyllid 2011, adrannau 65 a 66, Atodlen 16, paragraff 45 ac Atodlen 17, paragraffau 1 a 3.

(**2**) 1992 p. 4. Mewnosodwyd adran 171ZL gan adran 4 o Ddeddf Cyflogaeth 2002 (p. 22), ac fe'i diwygiwyd gan adran 21 o Ddeddf Plant a Theuluoedd 2014 (p. 6) a chan O.S. 2006/2012.

(**3**) Diwygiwyd adran 164 gan Ddeddf Cyflogaeth 2002 (p. 22), adran 20(b), Atodlen 8, paragraff 1 ac Atodlen 7, paragraff 6 a chan Ddeddf Cyfraniadau Nawdd Cymdeithasol (Trosglwyddo Swyddogaethau, etc.) 1999 (p. 2), Atodlen 1, paragraff 12.

(**1**) Section 164 was amended by the Employment Act 2002 (c. 22), section 20(b), Schedule 8, paragraph 1 and Schedule 7, paragraph 6 and the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Schedule 1, paragraph 12.

(**2**) Sections 171ZA and 171ZB were inserted by the Employment Act 2002, section 2. Subsections (1) of those sections were amended by the Work and Families Act 2006 (c. 18), Schedule 1, paragraphs 12 and 13.

(**3**) Sections 171ZEA and 171ZEB were inserted by the Work and Families Act 2006 (c. 18), sections 6 and 7.

(**4**) 1992 c. 52.

neu 171ZB(1) (hawlogaeth: mabwysiadu) o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(**1**), neu

(d) tâl tadolaeth statudol ychwanegol yn yr ystyr a roddir i "additional statutory paternity pay" yn adran 171ZEA(1) (hawlogaeth i gael tâl tadolaeth statudol ychwanegol: genedigaeth) neu 171ZEB(1) (hawlogaeth i gael tâl tadolaeth statudol ychwanegol: mabwysiadu) o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(**2**);

ystyr "taliad gwerth trosglwyddiad" ("*transfer value payment*") yw taliad o werth trosglwyddiad;

ystyr "taliad gwerth trosglwyddiad clwb" ("*club transfer value payment*") yw taliad o werth trosglwyddiad clwb;

ystyr "taliad trosglwyddo" ("*transfer payment*") yw taliad gwerth trosglwyddiad neu daliad gwerth trosglwyddiad clwb;

ystyr "taliadau pensiwn ychwanegol" ("*added pension payments*") yw naill ai taliadau rheolaidd neu gyfandaliad ar gyfer pensiwn ychwanegol, a wneir i'r cynllun hwn;

ystyr "trefniadau trosglwyddiadau clwb" ("*club transfer arrangements*") yw trefniadau a gymeradwywyd gan Weinidogion Cymru fel rhai sy'n darparu trefniadau cilyddol rhwng y cynllun hwn a chynlluniau pensiwn galwedigaethol cofrestredig eraill ar gyfer gwneud a chael taliadau o werthoedd trosglwyddiad clwb;

ystyr "trosglwyddiad clwb" ("*club transfer*") yw trosglwyddiad i mewn i'r cynllun hwn neu allan ohono o dan y trefniadau trosglwyddiadau clwb;

mae i "ychwanegiad oedran" ("*age addition*") yr ystyr a roddir yn rheoliad 35 (penderfynu'r "ychwanegiad oedran");

mae i "ychwanegiad oedran tybiedig" ("*assumed age addition*") yr ystyr a roddir yn rheoliad 36 (penderfynu'r "ychwanegiad oedran tybiedig");

ystyr "YMCA" ("*IQMP*") yw ymarferydd meddygol sydd â diploma mewn meddygaeth alwedigaethol neu gymhwyster cyfwerth neu uwch a ddyroddwyd gan awdurdod cymwys mewn Gwladwriaeth AEE, neu sy'n Gydymaith, Aelod neu Gymrawd o'r Gyfadran Meddygaeth Alwedigaethol neu sefydliad cyfwerth mewn Gwladwriaeth AEE; ac at ddibenion y diffiniad

"transfer payment" ("*taliad trosglwyddo*") means a transfer value payment or a club transfer value payment;

"transfer value" ("*gwerth trosglwyddiad*", "*gwerth trosglwyddo*") has the meaning given in regulation 141 (interpretation in relation to Part 10);

"transfer value payment" ("*taliad gwerth trosglwyddiad*") means payment of a transfer value;

"transferred pension" ("*pensiwn trosglwyddedig*") means pension attributable to receipt of a transfer value payment;

"transition member" ("*aelod trosiannol*") has the meaning given in paragraph 1 of Schedule 2;

"volunteer firefighter" ("*diffoddwr tân gwirfoddol*") means a person (P) who carries out operational fire-fighting for an authority—

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

(b) on terms under which P is, or may be, required to engage in fire-fighting or may be required to perform other duties appropriate to P's role as a firefighter (whether instead of, or in addition to, engaging in fire-fighting),

(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 P receives;

"weekly rate" ("*cyfradd wythnosol*"), in relation to a guaranteed minimum pension, has the meaning given in regulation 55(2) of the Occupational Pension Scheme (Contracting-out) Regulations 1996(**1**).

(**1**) Mewnosodwyd adrannau 171ZA a 171ZB gan Ddeddf Cyflogaeth 2002, adran 2. Diwygiwyd is-adrannau (1) o'r adrannau hynny gan Ddeddf Gwaith a Theuluoedd 2006 (p. 18), Atodlen 1, paragraffau 12 a 13.

(**2**) Mewnosodwyd adrannau 171ZEA a 171ZEB gan adrannau 6 a 7 o Ddeddf Gwaith a Theuluoedd 2006 (p. 18).

(**1**) S.I. 1996/1172. Regulation 55(2) was amended by S.I. 2014/560.

hwn, mae i "awdurdod cymwys" yr ystyr a roddir i "competent authority" yn adran 55(1) o Ddeddf Feddygol 1983(**1**).

RHAN 2

Llywodraethu

Rheolwr cynllun

4.—(1) Mae awdurdod yn gyfrifol am reoli a gweinyddu'r cynllun hwn, ac unrhyw gynllun statudol sy'n gysylltiedig â'r cynllun hwn(**2**), mewn perthynas ag unrhyw berson y mae'n awdurdod priodol ar ei gyfer o dan y Rheoliadau hyn.

(2) Yr awdurdod priodol mewn perthynas â pherson—

(a) sydd neu a fu yn aelod o'r cynllun hwn; neu

(b) sydd â hawl i gael unrhyw fudd mewn cysylltiad â pherson sydd neu a fu yn aelod o'r cynllun hwn,

yw'r awdurdod a oedd yn cyflogi'r aelod hwnnw ddiwethaf, tra oedd yn aelod actif o'r cynllun hwn.

(3) Yr awdurdod priodol mewn perthynas ag aelod â chredyd pensiwn yw'r awdurdod a oedd yn gyfrifol am gyfrif pensiwn yr aelod â debyd pensiwn ar ddyddiad effeithiol y gorchymyn rhannu pensiwn.

(4) Yn y cynllun hwn, cyfeirir at yr awdurdod priodol fel y rheolwr cynllun.

Byrddau pensiynau lleol: sefydlu

5.—(1) Rhaid i bob rheolwr cynllun sefydlu bwrdd pensiynau ("bwrdd pensiynau lleol") i fod yn gyfrifol am gynorthwyo'r rheolwr cynllun—

(a) i sicrhau y cydymffurfir ag—

(i) y Rheoliadau hyn;

(ii) unrhyw ddeddfwriaeth arall sy'n ymwneud â llywodraethu a gweinyddu'r cynllun hwn ac unrhyw gynllun cysylltiedig, ac â'r ddarpariaeth o fuddion o dan y cynllun hwn;

(iii) unrhyw ofynion a osodir gan y Rheoleiddiwr Pensiynau mewn perthynas â'r cynllun hwn ac unrhyw gynllun cysylltiedig;

(**1**) 1983 p. 54; mewnosodwyd y diffiniad o "competent authority" gan O.S. 2007/3101.

(**2**) Gweler adran 4(6) o Ddeddf 2013 sy'n nodi o dan ba amgylchiadau yr ystyrir bod cynlluniau pensiwn statudol yn "connected".

PART 2

Governance

Scheme manager

4.—(1) An authority is responsible for managing and administering this scheme and any statutory scheme that is connected with it(**1**) in relation to any person for which it is the appropriate authority under these Regulations.

(2) The appropriate authority in relation to a person who—

(a) is or has been a member of this scheme; or

(b) is entitled to any benefit in respect of a person who is or has been a member of this scheme,

is the authority by whom the member was last employed whilst an active member of this scheme.

(3) The appropriate authority in relation to a pension credit member is the authority responsible for the pension debit member's pension account at the effective date of the pension sharing order.

(4) The appropriate authority is referred to in this scheme as the scheme manager.

Local pension boards: establishment

5.—(1) Each scheme manager must establish a pension board ("a local pension board") responsible for assisting it—

(a) to secure compliance with—

(i) these Regulations;

(ii) any other legislation relating to the governance and administration of this scheme and any connected scheme and to the provision of benefits under this scheme;

(iii) any requirements imposed by the Pensions Regulator in relation to this scheme and any connected scheme;

(**1**) See section 4(6) of the 2013 Act which sets out when statutory pension schemes are "connected".

(b) i sicrhau y llywodraethir ac y gweinyddir y cynllun hwn ac unrhyw gynllun cysylltiedig yn effeithiol ac effeithlon yn lleol.

(2) Caiff rheolwr cynllun benderfynu pa weithdrefnau fydd yn gymwys i fwrdd pensiynau lleol, gan gynnwys gweithdrefnau ynglŷn â hawliau pleidleisio, sefydlu is-bwyllgorau a thalu treuliau.

(3) Mae gan fwrdd pensiynau lleol y pŵer i wneud unrhyw beth a gynlluniwyd i hwyluso, neu sy'n ffafrio neu'n gysylltiedig â chyflawni unrhyw un o'i swyddogaethau.

Bwrdd pensiynau lleol: aelodaeth

6.—(1) Yn ddarostyngedig i baragraffau (2) a (3) rhaid i bob rheolwr cynllun benderfynu ar—

(a) aelodaeth y bwrdd pensiynau lleol;

(b) y modd y caniateir penodi a diswyddo aelodau o'r bwrdd pensiynau lleol;

(c) telerau penodi aelodau o'r bwrdd pensiynau lleol, gan gynnwys parhad eu penodiad.

(2) Rhaid i fwrdd pensiynau lleol gynnwys niferoedd cyfartal, sef dim llai na 4, o gynrychiolwyr cyflogwyr a chynrychiolwyr aelodau(**1**) ac at y dibenion hyn rhaid i'r rheolwr cynllun fod wedi ei fodloni bod person a benodir—

(a) fel cynrychiolydd cyflogwr, yn berson sydd â'r gallu i gynrychioli cyflogwyr ar y bwrdd pensiynau lleol;

(b) fel cynrychiolydd aelodau, yn berson sydd â'r gallu i gynrychioli aelodau ar y bwrdd pensiynau lleol.

(3) Drwy gydol cyfnod penodiad person a benodwyd yn aelod o fwrdd pensiynau lleol i gynrychioli cyflogwyr neu aelodau, yn ôl fel y digwydd, rhaid i reolwr cynllun fod wedi ei fodloni bod yr aelod yn parhau i feddu'r gallu i gynrychioli cyflogwyr neu aelodau, yn ôl fel y digwydd, ar fwrdd pensiynau lleol.

(4) Rhaid i berson sydd i'w benodi yn aelod o fwrdd pensiynau lleol gan reolwr cynllun i gynrychioli cyflogwyr neu aelodau, yn ôl fel y digwydd, ddarparu i'r rheolwr cynllun pa bynnag wybodaeth y gwneir yn ofynnol yn rhesymol gan reolwr y cynllun at ddibenion paragraff (2).

(5) Rhaid i berson sy'n aelod o fwrdd pensiynau lleol a benodwyd i gynrychioli cyflogwyr neu aelodau, yn ôl fel y digwydd, ddarparu i'r rheolwr cynllun a wnaeth y penodiad, pa bynnag wybodaeth y gwneir yn

(**1**) Gweler adran 5(6) o Ddeddf Pensiynau'r Gwasanaethau Cyhoeddus 2013 am ddiffiniadau o'r termau hyn.

(b) to ensure the effective and efficient local governance and administration of this scheme and any connected scheme.

(2) A scheme manager may determine the procedures applicable to a local pension board, including as to voting rights, the establishment of sub-committees and payment of expenses.

(3) A local pension board has the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

Local pensions board: membership

6.—(1) Subject to paragraphs (2) and (3) each scheme manager must determine—

(a) the membership of the local pension board;

(b) the manner in which members of the local pension board may be appointed and removed;

(c) the terms of appointment of members of the local pension board, including the duration of their appointment.

(2) A local pension board must include an equal number, which is no less than 4, of employer representatives and member representatives(**1**) and for these purposes the scheme manager must be satisfied that a person to be appointed as—

(a) an employer representative has the capacity to represent employers on the local pension board;

(b) a member representative has the capacity to represent members on the local pension board.

(3) Throughout the period of appointment of a person appointed as a member of a local pension board to represent employers or members, as the case may be, a scheme manager must be satisfied that the member continues to have the capacity to represent employers or members, as the case may be, on a local pension board.

(4) A person who is to be appointed as a member of a local pension board by a scheme manager to represent employers or members, as the case may be, must provide the scheme manager with such information as the scheme manager reasonably requires for the purposes of paragraph (2).

(5) A person who is a member of a local pension board appointed to represent employers or members, as the case may be, must provide the scheme manager which made the appointment with such information as

(**1**) See section 5(6) of the Public Service Pensions Act 2013 for definitions of these terms.

ofynnol yn rhesymol gan reolwr y cynllun at ddibenion paragraff (3).

(6) Caiff y rheolwr cynllun benodi personau, nad ydynt yn aelodau o'r bwrdd pensiynau lleol, yn aelodau ymgynghorol di-bleidlais o'r bwrdd pensiynau lleol, a chaiff yr aelodau hynny, drwy wahoddiad, fod yn bresennol mewn cyfarfodydd o'r bwrdd pensiynau lleol ac unrhyw is-bwyllgor o'r bwrdd pensiynau lleol.

(7) Rhaid i nifer yr aelodau ymgynghorol di-bleidlais o'r bwrdd pensiynau lleol fod yn llai na nifer y cynrychiolwyr cyflogwyr, ac yn llai hefyd na nifer y cynrychiolwyr aelodau.

(8) Bydd aelod ymgynghorol o'r bwrdd pensiynau lleol yn dal ei swydd ac yn gadael ei swydd yn unol â thelerau penodiad yr aelod hwnnw.

(9) Ni chaiff aelod neu swyddog o awdurdod, sy'n gyfrifol am gyflawni unrhyw swyddogaeth o dan y Rheoliadau hyn, (ac eithrio unrhyw swyddogaeth sy'n ymwneud â bwrdd pensiynau lleol neu Fwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru) fod yn aelod o fwrdd pensiynau lleol.

Byrddau pensiynau lleol: gwrthdrawiad buddiannau

7.—(1) Rhaid i bob rheolwr cynllun fod wedi ei fodloni nad oes gan unrhyw berson, sydd i'w benodi yn aelod o fwrdd pensiynau lleol, fuddiannau sy'n gwrthdaro(**1**).

(2) Rhaid i reolwr cynllun fodloni ei hunan o bryd i'w gilydd nad oes gan yr un o aelodau'r bwrdd pensiynau lleol fuddiannau sy'n gwrthdaro.

(3) Rhaid i berson sydd i'w benodi yn aelod o fwrdd pensiynau lleol gan reolwr cynllun, ddarparu i'r awdurdod hwnnw y cyfryw wybodaeth y gwneir yn ofynnol yn rhesymol gan yr awdurdod at ddibenion paragraff (1).

(4) Rhaid i berson sydd yn aelod o fwrdd pensiynau lleol ddarparu i'r rheolwr cynllun a wnaeth y penodiad, y cyfryw wybodaeth y gwneir yn ofynnol yn rhesymol gan yw awdurdod hwnnw at ddibenion paragraff (2).

Byrddau pensiynau lleol: canllawiau a chyngor

8. Rhaid i reolwr cynllun roi sylw i'r canlynol—

(a) canllawiau a ddyroddir gan Weinidogion Cymru mewn perthynas â byrddau pensiynau lleol; a

(b) cyngor a roddir gan Fwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru mewn perthynas â gweinyddu a rheoli'r cynllun yn effeithiol ac effeithlon;

(**1**) Gweler adran 5(5) o Ddeddf Pensiynau'r Gwasanaethau Cyhoeddus 2013 ar gyfer ystyr "conflict of interest".

the scheme manager reasonably requires for the purposes of paragraph (3).

(6) The scheme manager may appoint persons who are not members of the local pension board to be non-voting advisory members of the local pension board, who may, by invitation, attend meetings of the local pension board and any sub-committee of the local pension board.

(7) The number of non-voting advisory members of the local pension board must be less than each of the number of employer representatives and the number of member representatives.

(8) An advisory member of the local pension board is to hold and vacate office in accordance with the terms of that member's appointment.

(9) No member or officer of an authority responsible for the discharge of any function under these Regulations (apart from any function relating to a local pension board or the Firefighters' Pension Scheme Advisory Board for Wales) may be a member of a local pension board.

Local pension boards: conflict of interest

7.—(1) Each scheme manager must be satisfied that any person to be appointed as a member of a local pension board does not have a conflict of interest(**1**).

(2) A scheme manager must be satisfied from time to time that none of the members of a local pension board has a conflict of interest.

(3) A person who is to be appointed as a member of a local pension board by a scheme manager must provide that authority with such information as the authority reasonably requires for the purposes of paragraph (1).

(4) A person who is a member of a local pension board must provide the scheme manager which made the appointment with such information as that authority reasonably requires for the purposes of paragraph (2).

Local pension boards: guidance and advice

8. A scheme manager must have regard to—

(a) guidance issued by the Welsh Ministers in relation to local pension boards;

(b) advice given by the Firefighters' Pension Scheme Advisory Board for Wales in relation to the effective and efficient administration and management of the scheme; and

(**1**) See section 5(5) of the Public Service Pensions Act 2013 for the meaning of "conflict of interest".

(c) codau ymarfer a ddyroddir gan y Rheoleiddiwr Pensiynau o dan adran 90A (codau ymarfer: cynlluniau pensiynau'r gwasanaethau cyhoeddus) o Ddeddf Pensiynau 2004(**1**).

Byrddau pensiynau lleol: cyhoeddi gwybodaeth

9.—(1) Rhaid i reolwr cynllun gyhoeddi'r wybodaeth ganlynol ynglŷn â'i fwrdd pensiynau lleol—

(a) pwy sy'n aelodau o'r bwrdd;

(b) cynrychiolaeth aelodau'r cynllun ar y bwrdd; ac

(c) y materion sy'n dod o fewn cyfrifoldeb y bwrdd.

(2) Rhaid i reolwr cynllun gadw'n gyfredol yr wybodaeth a gyhoeddir o dan baragraff (1).

Bwrdd cynghori'r cynllun: sefydlu

10.—(1) Bydd bwrdd cynghori ar gyfer y cynllun ("Bwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru").

(2) Bwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru sy'n gyfrifol am ddarparu cyngor, mewn ymateb i gais gan Weinidogion Cymru, ar y materion canlynol—

(a) dymunoldeb gwneud newidiadau i'r cynllun hwn ac unrhyw gynllun cysylltiedig; a

(b) unrhyw fater arall yr ystyria'n berthnasol o ran gweithredu'r cynllun hwn yn effeithiol ac effeithlon.

(3) Bwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru sy'n gyfrifol hefyd am ddarparu cyngor i reolwyr cynllun a byrddau pensiynau lleol mewn perthynas â gweinyddu a rheoli'r cynllun hwn ac unrhyw gynllun cysylltiedig yn effeithiol ac effeithlon.

(4) Yn ddarostyngedig i'r Rheoliadau hyn, caiff Bwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru benderfynu ar ei weithdrefnau ei hunan, gan gynnwys gweithdrefnau ynglŷn â hawliau pleidleisio, sefydlu is-bwyllgorau, talu lwfansau mynychu rhesymol ac unrhyw dreuliau rhesymol mewn cysylltiad â chyflawni ei swyddogaethau, fel yr ystyrir yn angenrheidiol ym marn y Bwrdd.

(c) codes of practice issued by the Pensions Regulator under section 90A (codes of practice: public service pensions schemes) of the Pensions Act 2004(**1**).

Local pension boards: publication of information

9.—(1) A scheme manager must publish the following information relating to its local pension board—

(a) who the members of the board are;

(b) representation on the board of members of the scheme; and

(c) the matters falling within the board's responsibility.

(2) A scheme manager must keep information published under paragraph (1) up-to-date.

Scheme advisory board: establishment

10.—(1) There is to be a scheme advisory board ("the Firefighters' Pension Scheme Advisory Board for Wales").

(2) The Firefighters' Pension Scheme Advisory Board for Wales is responsible for providing advice, in response to a request from the Welsh Ministers, on—

(a) the desirability of making changes to this scheme and any connected scheme; and

(b) any other matter it considers relevant to the effective and efficient operation of this scheme.

(3) The Firefighters' Pension Scheme Advisory Board for Wales is also responsible for providing advice to scheme managers and local pension boards in relation to the effective and efficient administration and management of this scheme and any connected scheme.

(4) Subject to these Regulations, the Firefighters' Pension Scheme Advisory Board for Wales may determine its own procedures including as to voting rights, the establishment of sub-committees, the payment of reasonable attendance allowances and any reasonable expenses in connection with the discharge of its functions as the Board considers necessary.

(**1**) 2004 p. 35. Mewnosodwyd adran 90A gan baragraff 14 o Atodlen 4 i Ddeddf Pensiynau'r Gwasanaethau Cyhoeddus 2013.

(**1**) 2004 c. 35. Section 90A was inserted by the Public Service Pensions Act 2013, Schedule 4, paragraph 14.

Bwrdd cynghori'r cynllun: aelodaeth

11.—(1) Bydd Bwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru yn cynnwys cadeirydd ac o leiaf ddau, ond dim mwy na 12 person, sydd i'w penodi gan Weinidogion Cymru.

(2) Wrth benderfynu pa un ai i wneud penodiad o dan baragraff (1), rhaid i Weinidogion Cymru roi sylw i ddymunoldeb cael niferoedd cyfartal o bersonau yn cynrychioli buddiannau cyflogwyr cynllun a phersonau yn cynrychioli buddiannau aelodau.

(3) Bydd aelod o Fwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru yn dal ac yn gadael ei swydd yn unol â thelerau penodiad yr aelod hwnnw.

(4) Caiff cadeirydd Bwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru, gyda chytundeb y Bwrdd, benodi personau nad ydynt yn aelodau o'r Bwrdd yn aelodau ymgynghorol di-bleidlais o'r Bwrdd, a chaiff yr aelodau hynny, drwy wahoddiad, fod yn bresennol mewn cyfarfodydd o'r Bwrdd ac unrhyw is-bwyllgor o'r Bwrdd.

(5) Bydd aelod ymgynghorol o Fwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru yn dal ac yn gadael ei swydd yn unol â thelerau penodiad yr aelod hwnnw.

(6) Caiff cadeirydd Bwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru, gyda chytundeb y Bwrdd, benodi personau nad ydynt yn aelodau o'r Bwrdd i fod yn aelodau o is-bwyllgorau o'r Bwrdd.

(7) Bydd aelod o is-bwyllgor o Fwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru yn dal ac yn gadael ei swydd yn unol â thelerau penodiad yr aelod hwnnw.

Bwrdd cynghori'r cynllun: gwrthdrawiad buddiannau

12.—(1) Cyn penodi unrhyw berson i fod yn aelod o Fwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru, rhaid i Weinidogion Cymru fod wedi eu bodloni nad oes gan y person hwnnw fuddiannau sy'n gwrthdaro(**1**).

(2) Rhaid i Weinidogion Cymru fodloni eu hunain o bryd i'w gilydd nad oes gan yr un o aelodau Bwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru fuddiannau sy'n gwrthdaro.

(3) Rhaid i berson sydd i'w benodi yn aelod o Fwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru ddarparu i Weinidogion Cymru ba bynnag

(**1**) Gweler adran 7(5) o Ddeddf Pensiynau'r Gwasanaethau Cyhoeddus 2013 ar gyfer ystyr "conflict of interest".

Scheme advisory board: membership

11.—(1) The Firefighters' Pension Scheme Advisory Board for Wales is to consist of a chair and at least two, and no more than 12, persons to be appointed by the Welsh Ministers.

(2) When deciding whether to make an appointment under paragraph (1), the Welsh Ministers must have regard to the desirability of there being equal representation of persons representing the interests of scheme employers and persons representing the interests of members.

(3) A member of the Firefighters' Pension Scheme Advisory Board for Wales is to hold and vacate office in accordance with the terms of that member's appointment.

(4) The chair of the Firefighters' Pension Scheme Advisory Board for Wales may, with the agreement of the Board, appoint persons who are not members of the Board to be non-voting advisory members of the Board, who may, by invitation, attend meetings of the Board and any sub-committee of the Board.

(5) An advisory member of the Firefighters' Pension Scheme Advisory Board for Wales is to hold and vacate office in accordance with the terms of that member's appointment.

(6) The chair of the Firefighters' Pension Scheme Advisory Board for Wales may, with the agreement of the Board, appoint persons who are not members of the Board to be members of sub-committees of the Board.

(7) A member of a sub-committee of the Firefighters' Pension Scheme Advisory Board for Wales is to hold and vacate office in accordance with the terms of that member's appointment.

Scheme advisory board: conflict of interest

12.—(1) Before appointing any person to be a member of the Firefighters' Pension Scheme Advisory Board for Wales, the Welsh Ministers must be satisfied that the person does not have a conflict of interest(**1**).

(2) The Welsh Ministers must be satisfied from time to time that none of the members of the Firefighters' Pension Scheme Advisory Board for Wales has a conflict of interest.

(3) A person who is to be appointed as a member of the Firefighters' Pension Scheme Advisory Board for Wales must provide the Welsh Ministers with such

(**1**) See section 7(5) of the Public Service Pensions Act 2013 for the meaning of "conflict of interest".

wybodaeth y gofynnant amdani yn rhesymol at ddibenion paragraff (1).

(4) Rhaid i berson sydd yn aelod o Fwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru ddarparu i Weinidogion Cymru ba bynnag wybodaeth y gwneir yn ofynnol yn rhesymol gan Weinidogion Cymru at ddibenion paragraff (2).

Bwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru: canllawiau

13. Rhaid i Fwrdd Cynghori Cynllun Pensiwn y Diffoddwyr Tân ar gyfer Cymru roi sylw i ganllawiau a ddyroddir gan Weinidogion Cymru mewn perthynas ag arfer gan y Bwrdd ei swyddogaethau o dan y Rheoliadau hyn.

Dirprwyo

14.—(1) Caiff Gweinidogion Cymru ddirprwyo unrhyw swyddogaethau o dan y Rheoliadau hyn, gan gynnwys y pŵer hwn i ddirprwyo.

(2) Caiff y rheolwr cynllun ddirprwyo unrhyw swyddogaethau o dan y Rheoliadau hyn, gan gynnwys y pŵer hwn i ddirprwyo, i'r cyfryw bersonau neu gyflogeion y cyfryw berson a awdurdodir yn y cyswllt hwnnw gan y rheolwr cynllun.

information as the Welsh Ministers reasonably require for the purposes of paragraph (1).

(4) A person who is a member of the Firefighters' Pension Scheme Advisory Board for Wales must provide the Welsh Ministers with such information as the Welsh Ministers reasonably require for the purposes of paragraph (2).

The Firefighters' Pension Scheme Advisory Board for Wales: guidance

13. The Firefighters' Pension Scheme Advisory Board for Wales must have regard to guidance issued by the Welsh Ministers in relation to the exercise by the Board of its functions under these Regulations.

Delegation

14.—(1) The Welsh Ministers may delegate any functions under these Regulations, including this power to delegate.

(2) The scheme manager may delegate any functions under these Regulations, including this power to delegate, to such persons or employees of such person as may be authorised in that behalf by the scheme manager.

RHAN 3

Aelodaeth o'r cynllun

PENNOD 1

Cymhwystra ar gyfer aelodaeth actif

Cyflogaeth gynllun

15.—(1) At ddibenion y Rheoliadau hyn, mae person mewn cyflogaeth gynllun os yw'r person hwnnw yn gyflogedig fel diffoddwr tân gan awdurdod ac yn bodloni'r gofyniad ym mharagraff (2) neu baragraff (3).

(2) Mae person a ddaeth yn gyflogedig ar neu ar ôl 1 Ebrill 2015 yn bodloni'r gofyniad yn y paragraff hwn os yw rôl y person hwnnw pan yw'n ymgymryd â'r gyflogaeth yn cynnwys—

(a) datrys digwyddiadau gweithredol; neu

(b) arwain a chefnogi eraill i ddatrys digwyddiadau gweithredol.

(3) Mae person sy'n aelod trosiannol yn bodloni'r gofyniad yn y paragraff hwn.

(4) Yn y Rheoliadau hyn, cyfeirir at gyflogwr person sydd mewn cyflogaeth gynllun fel y "cyflogwr cynllun".

PART 3

Scheme membership

CHAPTER 1

Eligibility for active membership

Scheme employment

15.—(1) For the purposes of these Regulations, a person is in scheme employment if that person is employed as a firefighter by an authority and satisfies the requirement in paragraph (2) or paragraph (3).

(2) A person who took up employment on or after 1 April 2015 satisfies the requirement in this paragraph where that person's role on taking up employment includes—

(a) resolving operational incidents; or

(b) leading and supporting others in the resolution of operational incidents.

(3) A person who is a transition member satisfies the requirement in this paragraph.

(4) The employer of a person in scheme employment is referred to in these Regulations as the "scheme employer".

Personau cymwys

16.—(1) At ddibenion y Rhan hon, person cymwys yw person sy'n gymwys i fod yn aelod actif o'r cynllun hwn.

(2) Mae person (P) sy'n gwasanaethu mewn cyflogaeth gynllun yn berson cymwys mewn perthynas â'r gyflogaeth honno, onid yw P, mewn perthynas â gwasanaeth yn y gyflogaeth honno—

(a) yn aelod a ddiogelir o Gynllun 1992 neu'r CPNDT; neu

(b) yn aelod o unrhyw gynllun pensiwn arall a'r awdurdod sy'n cyflogi P yn talu cyfraniadau i'r cynllun hwnnw mewn cysylltiad â P.

(3) Mae P yn berson cymwys tra bo ar absenoldeb gwasanaeth lluoedd wrth gefn.

Gwasanaeth mewn dwy neu ragor o gyflogaethau cynllun

17. Os yw person yn gwasanaethu mewn dwy neu ragor o gyflogaethau cynllun, mae rheoliad 16 (personau cymwys) yn gymwys ar wahân mewn perthynas â phob cyflogaeth (pa un ai yw'r gyflogaeth gyda'r un awdurdod ai peidio).

PENNOD 2

Gwasanaeth pensiynadwy

Cymhwyso'r Bennod

18.—(1) Mae'r Bennod hon yn gymwys mewn perthynas â chyfnod di-dor o wasanaeth mewn cyflogaeth gynllun.

(2) Os yw person yn gwasanaethu mewn dwy neu ragor o gyflogaethau cynllun yr un pryd, mae'r Bennod hon yn gymwys ar wahân mewn perthynas â phob un o'r cyflogaethau (pa un ai yw'r gyflogaeth gyda'r un awdurdod ai peidio).

Dehongli'r Bennod

19. Yn y Bennod hon—

ystyr "cyfnod di-dor o wasanaeth" ("*continuous period of service*"), mewn perthynas â chyflogaeth gynllun, yw cyfnod o wasanaeth mewn cyflogaeth gynllun gan ddiystyru unrhyw fwlch mewn gwasanaeth nad yw'n hwy na phum mlynedd;

ystyr "diwrnod cymwys cyntaf o wasanaeth" ("*first eligible day of service*") yw'r diwrnod pan fo person yn dod yn berson cymwys mewn perthynas â'r gwasanaeth hwnnw;

Eligible persons

16.—(1) For the purpose of this Part, an eligible person is a person who is eligible to be an active member of this scheme.

(2) A person who is in service in a scheme employment (P) is an eligible person in relation to that employment unless in relation to service in that employment—

(a) P is a protected member of the 1992 Scheme or the NFPS; or

(b) P is a member of any other pension scheme and the authority employing P pays contributions to that scheme in respect of P.

(3) P remains an eligible person whilst on reserve forces service leave.

Service in two or more scheme employments

17. If a person is in service in two or more scheme employments, regulation 16 (eligible persons) applies separately in relation to each employment (whether or not the employment is with the same authority).

CHAPTER 2

Pensionable service

Application of Chapter

18.—(1) This Chapter applies in relation to a continuous period of service in a scheme employment.

(2) If a person is in service in two or more scheme employments at the same time, this Chapter applies separately in relation to each of the employments (whether or not the employment is with the same authority).

Interpretation of Chapter

19. In this Chapter—

"automatic re-enrolment date" ("*dyddiad ailgofrestru awtomatig*"), in relation to a person in service in a scheme employment, means a date determined under regulation 12 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(**1**);

"continuous period of service" ("*cyfnod di-dor o wasanaeth*"), in relation to scheme employment, means a period of service in scheme employment disregarding any gap in service not exceeding five years;

(**1**) S.I. 2010/772. Regulation 12 was amended by S.I. 2012/215.

ystyr "dyddiad ailgofrestru awtomatig" ("*automatic re-enrolment date*"), mewn perthynas â pherson sy'n gwasanaethu mewn cyflogaeth gynllun, yw dyddiad a benderfynir o dan reoliad 12 o Reoliadau Cynlluniau Pensiwn Galwedigaethol a Phersonol (Cofrestru Awtomatig) 2010(**1**).

Cofrestru awtomatig

20.—(1) Pan fo person (P) sydd mewn gwasanaeth pensiynadwy(**2**) o dan y cynllun yn symud oddi wrth un cyflogwr cynllun at un arall ond yn aros mewn cyflogaeth gynllun, mae P yn parhau mewn gwasanaeth pensiynadwy o dan y cynllun.

(2) Mae person (P), nad yw mewn gwasanaeth pensiynadwy o dan y cynllun yn union cyn diwrnod cymwys cyntaf o wasanaeth P mewn cyflogaeth gynllun, yn dechrau gwasanaeth pensiynadwy o dan y cynllun hwn ar y diwrnod cymwys cyntaf o wasanaeth P yn y gyflogaeth honno, onid yw—

(a) rheoliad 24 (optio allan cyn diwedd y tri mis cyntaf) yn gymwys; neu

(b) P yn aelod trosiannol gyda pharhad gwasanaeth a pharagraff (3) yn gymwys.

(3) Mae'r paragraff hwn yn gymwys—

(a) os y diwrnod cymwys cyntaf o wasanaeth P mewn cyflogaeth gynllun yw'r diwrnod ar ôl dyddiad cau P; a

(b) os ar ddyddiad cau P—

(i) yr oedd P yn gwasanaethu yn yr un gyflogaeth, a

(ii) yr oedd P wedi optio allan o Gynllun 1992 neu'r CPNDT, yn ôl fel y digwydd, mewn perthynas â'r gwasanaeth hwnnw.

Optio i mewn i'r cynllun hwn

21.—(1) Caiff person (P) sydd, mewn perthynas â chyflogaeth gynllun, yn berson cymwys ond nid mewn gwasanaeth pensiynadwy o dan y cynllun hwn, arfer yr opsiwn i ddod yn aelod actif o'r cynllun hwn mewn perthynas â gwasanaeth yn y gyflogaeth honno.

(2) Ni chaniateir arfer yr opsiwn o dan y rheoliad hwn ac eithrio drwy hysbysiad i'r rheolwr cynllun, yn y ffurf sy'n ofynnol gan y rheolwr cynllun ("hysbysiad optio i mewn").

(3) Mae opsiwn a arferir gan berson o dan y rheoliad hwn, i optio i mewn i'r cynllun hwn mewn perthynas â gwasanaeth mewn cyflogaeth gynllun, yn cael effaith mewn perthynas â gwasanaeth yn y gyflogaeth honno o'r dyddiad y mae'r rheolwr cynllun yn cael yr hysbysiad optio i mewn.

(**1**) O.S. 2010/772. Diwygiwyd rheoliad 12 gan O.S. 2012/215.
(**2**) Gweler adran 37 o Ddeddf 2013 ar gyfer ystyr "pensionable service".

"first eligible day of service" ("*diwrnod cymwys cyntaf o wasanaeth*") means the day on which a person becomes an eligible person in relation to that service.

Automatic enrolment

20.—(1) Where a person (P) who is in pensionable service(**1**) under the scheme moves from one scheme employer to another but remains in scheme employment, P continues in pensionable service under the scheme.

(2) A person (P) who is not in pensionable service under the scheme immediately before P's first eligible day of service in a scheme employment begins pensionable service under this scheme on P's first eligible day of service in that employment unless—

(a) regulation 24 (opting out before the end of the first three months) applies; or

(b) P is a transition member with continuity of service and paragraph (3) applies.

(3) This paragraph applies if—

(a) P's first eligible day of service in the scheme employment is the day after P's closing date; and

(b) on P's closing date—

(i) P was in service in the same employment, and

(ii) P had opted out of the 1992 Scheme or the NFPS, as the case may be, in relation to that service.

Opting into this scheme

21.—(1) A person (P) who, in relation to a scheme employment, is an eligible person but is not in pensionable service under this scheme may opt to become an active member of this scheme in relation to service in that employment.

(2) The option under this regulation may only be exercised by notice to the scheme manager in a form required by the scheme manager ("opt-in notice").

(3) A person who exercises the option under this regulation in relation to service in a scheme employment opts into this scheme in relation to service in that employment with effect from the date on which the opt-in notice is received by the scheme manager.

(**1**) See section 37 of the 2013 Act for the meaning of "pensionable service".

(4) Ystyrir bod yr opsiwn o dan y rheoliad hwn yn cael ei arfer ar y dyddiad hwnnw.

(5) Os yw P yn optio i mewn i'r cynllun hwn mewn perthynas â chyflogaeth, mae P yn dod yn aelod actif o'r cynllun hwn mewn perthynas â'r gyflogaeth honno ar ddechrau'r cyfnod tâl cyntaf sy'n dechrau ar ôl y dyddiad yr arferir yr opsiwn, neu ar ba bynnag adeg arall a ystyrir yn briodol gan y rheolwr cynllun.

Ailgofrestru awtomatig

22.—(1) Mae'r rheoliad hwn yn gymwys yn achos person cymwys (P) mewn perthynas â gwasanaeth mewn cyflogaeth gynllun, os nad yw P, ar y dyddiad ailgofrestru awtomatig, mewn gwasanaeth pensiynadwy o dan y cynllun hwn mewn perthynas â gwasanaeth yn y gyflogaeth honno.

(2) Ar y dyddiad ailgofrestru awtomatig, rhaid i'r rheolwr cynllun gofrestru P yn y cynllun hwn mewn perthynas â gwasanaeth yn y gyflogaeth honno os yw'n ofynnol o dan adran 5 o Ddeddf Pensiynau 2008(**1**) (ailgofrestru awtomatig) bod y cyflogwr yn gwneud trefniadau i P fod yn aelod actif o gynllun pensiwn.

Optio allan o'r cynllun hwn

23.—(1) Mae person (P) yn optio allan o'r cynllun hwn mewn perthynas â gwasanaeth mewn cyflogaeth gynllun os yw P yn dewis peidio â bod yn aelod actif o'r cynllun hwn mewn perthynas â'r gwasanaeth hwnnw.

(2) Ni chaiff P arfer yr opsiwn hwn ac eithrio drwy roi hysbysiad i'r rheolwr cynllun ym mha bynnag ffurf sy'n ofynnol gan y rheolwr cynllun ("hysbysiad optio allan").

(3) Ystyrir bod yr opsiwn wedi ei arfer ar y dyddiad y bydd y rheolwr cynllun yn cael yr hysbysiad optio allan.

Optio allan cyn diwedd y tri mis cyntaf

24.—(1) Mae'r rheoliad hwn yn gymwys os yw person (P) yn optio allan o'r cynllun hwn mewn perthynas â chyfnod di-dor o wasanaeth mewn cyflogaeth gynllun cyn diwedd tri mis—

(a) ar ôl y diwrnod cyntaf o gyfnod o wasanaeth di-dor P mewn cyflogaeth gynllun; neu

(b) ar ôl y dyddiad ailgofrestru awtomatig.

(2) Os yw paragraff (1)(a) yn gymwys, ystyrir na fu P erioed mewn gwasanaeth pensiynadwy o dan y cynllun hwn mewn perthynas â'r cyfnod di-dor hwnnw o wasanaeth mewn cyflogaeth gynllun.

(4) The option under this regulation is taken to be exercised on that date.

(5) If P opts into this scheme in relation to an employment, P becomes an active member of this scheme in relation to that employment at the beginning of the first pay period beginning after the date on which the option is exercised or at such other time as the scheme manager considers appropriate.

Automatic re-enrolment

22.—(1) This regulation applies if, on the automatic re-enrolment date, an eligible person (P) in relation to service in a scheme employment is not in pensionable service under this scheme in relation to service in that employment.

(2) On the automatic re-enrolment date, the scheme manager must enrol P in this scheme in relation to service in that employment if the employer is required under section 5 of the Pensions Act 2008(**1**) (automatic re-enrolment) to make arrangements for P to be an active member of a pension scheme.

Opting out of this scheme

23.—(1) A person (P) opts out of this scheme in relation to service in a scheme employment if P opts not to be an active member of this scheme in relation to that service.

(2) P may only exercise the option by notice to the scheme manager in a form required by the scheme manager ("opt-out notice").

(3) The option is taken to be exercised on the date on which the opt-out notice is received by the scheme manager.

Opting out before the end of the first three months

24.—(1) This regulation applies if a person (P) opts out of this scheme in relation to a continuous period of service in scheme employment before the end of three months after—

(a) P's first day of a continuous period of service in scheme employment; or

(b) the automatic re-enrolment date.

(2) If paragraph (1)(a) applies, P is taken never to have been in pensionable service under this scheme in relation to that continuous period of service in scheme employment.

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

(**1**) 2008 c. 30.

(3) Os yw paragraff (1)(b) yn gymwys, ystyrir na fu P mewn gwasanaeth pensiynadwy o dan y cynllun hwn mewn perthynas â'r cyfnod hwnnw o wasanaeth yn ystod y cyfnod y cyfeirir ato ym mharagraff (1)(b).

(4) Nid yw'r rheoliad hwn yn ei gwneud yn ofynnol bod y rheolwr cynllun yn talu i P unrhyw swm ychwanegol a ddaw'n daladwy gan P mewn cysylltiad â chyfraniadau yswiriant gwladol, oherwydd na fu P, wedi'r cwbl, yn aelod actif o'r cynllun hwn yn ystod unrhyw gyfnod.

Optio allan ar ôl y tri mis cyntaf

25.—(1) Mae'r rheoliad hwn yn gymwys os yw person (P) yn optio allan o'r cynllun hwn mewn perthynas â chyfnod di-dor o wasanaeth mewn cyflogaeth gynllun ymhen tri mis neu'n hwy—

(a) ar ôl y diwrnod cyntaf o gyfnod gwasanaeth di-dor P mewn cyflogaeth gynllun; neu

(b) ar ôl dyddiad ailgofrestru awtomatig P.

(2) Os yw P yn arfer yr opsiwn o dan baragraff (1)(a) neu (b), mae P yn peidio â bod mewn gwasanaeth pensiynadwy o dan y cynllun hwn mewn perthynas â'r cyfnod di-dor hwnnw o wasanaeth mewn cyflogaeth gynllun—

(a) ar y diwrnod cyntaf o'r cyfnod tâl cyntaf sy'n dechrau ar neu ar ôl y dyddiad yr arferwyd yr opsiwn; neu

(b) os yw'r rheolwr cynllun yn ystyried y diwrnod hwnnw'n amhriodol, ar ddiwrnod cyntaf unrhyw gyfnod tâl diweddarach a ystyrir yn briodol gan y rheolwr cynllun.

PENNOD 3

Tâl pensiynadwy

Tâl pensiynadwy

26.—(1) At y diben o gyfrifo pensiwn neu fuddion eraill aelod o dan y cynllun hwn, tâl pensiynadwy'r aelod yw—

(a) y tâl a dderbyniodd yr aelod am gyflawni dyletswyddau rôl yr aelod, ac eithrio unrhyw lwfans neu enillion a dalwyd i'r aelod hwnnw ar sail dros dro;

(b) enillion parhaol yr aelod (gan gynnwys, yn achos diffoddwr tân wrth gefn, unrhyw lwfans cadw);

(c) y swm a hepgorwyd pan fo aelod wedi cytuno i ildio'r hawl i gael unrhyw ran o dâl pensiynadwy'r aelod hwnnw, yn gyfnewid am ddarparu unrhyw fudd anariannol gan y cyflogwr; a

(3) If paragraph (1)(b) applies, P is taken not to have been in pensionable service under this scheme in relation to that period of service during the period referred to in paragraph (1)(b).

(4) This regulation does not require the scheme manager to pay P any additional amount which becomes payable by P in respect of national insurance contributions because P has not after all been an active member of this scheme during any period.

Opting out after the first three months

25.—(1) This regulation applies if a person (P) opts out of this scheme in relation to a continuous period of service in scheme employment three months or more after P's—

(a) first day of a continuous period of service in scheme employment; or

(b) automatic re-enrolment date.

(2) If P exercises the option under paragraph (1)(a) or (b), P ceases to be in pensionable service under this scheme in relation to that continuous period of service in scheme employment—

(a) on the first day of the first pay period beginning on or after the date on which the option is exercised; or

(b) if the scheme manager considers that day inappropriate, on the first day of any later pay period which the scheme manager considers appropriate.

CHAPTER 3

Pensionable pay

Pensionable pay

26.—(1) For the purpose of calculating a member's pension or other benefits under this scheme, the member's pensionable pay is—

(a) the member's pay received for the performance of the duties of the member's role except any allowance or emoluments paid to that member on a temporary basis;

(b) the member's permanent emoluments (including, in the case of a retained firefighter, any retaining allowance);

(c) the amount foregone where a member has agreed to surrender the right to receive any part of that member's pensionable pay in exchange for the provision by the employer of any non-cash benefit; and

(d) y swm a dalwyd i'r aelod ar gyfer datblygu proffesiynol parhaus, ac y penderfynodd y rheolwr cynllun ei fod yn bensiynadwy.

(2) Nid yw'r taliadau ym mharagraff (1) yn cynnwys unrhyw daliad a wnaed gan gyflogwr i aelod sydd ar absenoldeb gwasanaeth lluoedd wrth gefn.

Ystyr "tâl pensiynadwy tybiedig"

27.—(1) Ar gyfer unrhyw gyfnod pan fo'r amgylchiadau a bennir ym mharagraff (2) yn gymwys i aelod actif o'r cynllun hwn, trinnir yr aelod fel pe bai'n cael tâl pensiynadwy ("tâl pensiynadwy tybiedig") hafal i'r tâl pensiynadwy y byddai'r aelod yn ei gael pe na bai'r amgylchiadau hynny yn gymwys.

(2) Yr amgylchiadau yw fod yr aelod—

(a) ar secondiad i gyflogwr gwahanol o dan drefniant sy'n darparu bod yr aelod i barhau'n aelod actif o'r cynllun hwn mewn cysylltiad â gwasanaeth yr aelod, er mai'r cyflogwr arall sy'n talu i'r aelod am ei wasanaeth;

(b) ar absenoldeb oherwydd salwch neu anaf ac yn cael tâl gostyngedig neu, pan fo'r aelod wedi talu'r cyfraniadau sy'n ofynnol gan reoliad 120(2) (cyfraniadau yn ystod absenoldeb o'r gwaith oherwydd salwch neu anaf), nad yw'n cael tâl;

(c) yn cael tâl neu dâl statudol tra bo ar absenoldeb mabwysiadu, absenoldeb mabwysiadu ychwanegol, absenoldeb mamolaeth ychwanegol, absenoldeb rhiant neu absenoldeb tadolaeth ychwanegol;

(d) ar absenoldeb mabwysiadu arferol, absenoldeb mamolaeth arferol neu absenoldeb tadolaeth;

(e) heb gael tâl na thâl statudol yn ystod rhan neu'r cyfan o'r cyfnod absenoldeb mabwysiadu ychwanegol, absenoldeb mamolaeth ychwanegol neu absenoldeb tadolaeth ychwanegol ac wedi talu cyfraniadau aelod mewn cysylltiad â'r cyfnod hwnnw;

(f) ar absenoldeb di-dâl am gyfnod nad yw'n hwy na phum mlynedd, mewn amgylchiadau y cytunodd y rheolwr cynllun y cânt gyfrif at ddibenion y paragraff hwn, ac wedi talu'r cyfraniadau sy'n ofynnol gan reoliad 120(4) (cyfraniadau yn ystod absenoldeb awdurdodedig o'r gwaith);

(g) ar absenoldeb gwasanaeth lluoedd wrth gefn; neu

(h) yn absennol oherwydd anghydfod undebol ac wedi talu'r cyfraniadau sy'n ofynnol gan reoliad 120(3) (cyfraniadau yn ystod absenoldeb o'r gwaith oherwydd anghydfod undebol).

(d) the amount paid to the member for continued professional development which the scheme manager determines is pensionable.

(2) The payments in paragraph (1) do not include any payment made by an employer to a member who is on reserve forces service leave.

Meaning of "assumed pensionable pay"

27.—(1) For any period in which the circumstances specified in paragraph (2) apply to an active member of this scheme, the member is treated as receiving pensionable pay ("assumed pensionable pay") equal to the pensionable pay that the member would have received if those circumstances had not applied.

(2) The circumstances are that the member is—

(a) on secondment to a different employer under an arrangement providing for the member to continue to be an active member of this scheme in respect of the member's service although the member is paid for that member's service by the other employer;

(b) on sick leave or injury leave on reduced pay or, where the member has paid the contributions required by regulation 120(2) (contributions during absence from work due to illness or injury), is not receiving pay;

(c) receiving pay or statutory pay whilst on adoption leave, additional adoption leave, additional maternity leave, parental leave or additional paternity leave;

(d) on ordinary adoption leave, ordinary maternity leave or paternity leave;

(e) not receiving pay or statutory pay during part or all of the duration of the period of additional adoption leave, additional maternity leave or additional paternity leave and has paid member contributions in respect of that period;

(f) on unpaid leave for a period that does not exceed five years, in circumstances that the scheme manager has agreed can count for the purposes of this paragraph, and has paid contributions required by regulation 120(4) (contributions during absence from work due to authorised absence);

(g) absent on reserve forces service leave; or

(h) absent due to a trade dispute and has paid contributions required by regulation 120(3) (contributions during absence from work due to trade dispute).

(3) Nid yw paragraff (2)(g) yn gymwys mewn cysylltiad ag unrhyw gyfnod o wasanaeth sy'n peri bod yr aelod yn gymwys am fuddion o dan unrhyw gynllun pensiwn galwedigaethol arall mewn cysylltiad â'r gwasanaeth hwnnw.

(4) Pan fo'r amgylchiadau ym mharagraff (2) yn gymwys i aelod (P), a gyflogid fel diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol yn union cyn y daeth yr amgylchiadau hynny yn gymwys, a gwasanaeth pensiynadwy P am y cyfnod hwnnw yn 365 diwrnod neu ragor, cyfrifir swm tâl pensiynadwy tybiedig P drwy rannu cyfanswm y tâl pensiynadwy a gafodd P am y gwasanaeth hwnnw yn ystod y cyfnod o 365 diwrnod oedd yn diweddu gyda'r diwrnod olaf o wasanaeth pensiynadwy di-dor cyn y daeth yr amgylchiadau hynny yn gymwys, gyda 365 a lluosi gyda nifer y diwrnodau pan oedd yr amgylchiadau ym mharagraff (2) yn gymwys.

(5) Pan fo'r amgylchiadau ym mharagraff (2) yn gymwys i aelod (P), a gyflogid fel diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol yn union cyn y daeth yr amgylchiadau hynny yn gymwys, a gwasanaeth pensiynadwy P am y cyfnod hwnnw yn llai na 365 diwrnod, cyfrifir swm tâl pensiynadwy tybiedig P drwy rannu cyfanswm y tâl pensiynadwy a gafodd P am y gwasanaeth hwnnw yn ystod y cyfnod hwnnw o wasanaeth pensiynadwy di-dor cyn y daeth yr amgylchiadau hynny yn gymwys, gyda nifer y diwrnodau o'r gwasanaeth hwnnw a lluosi gyda nifer y diwrnodau pan oedd yr amgylchiadau ym mharagraff (2) yn gymwys.

PENNOD 4

Aelodaeth

Aelodaeth actif

28. Mae person (P) yn aelod actif o'r cynllun hwn—

(a) os yw P mewn gwasanaeth pensiynadwy o dan y cynllun hwn;

(b) os nad yw P mewn gwasanaeth pensiynadwy tra bo P ar absenoldeb salwch di-dâl neu ar absenoldeb di-dâl cysylltiedig â phlentyn neu ar anghydfod undebol, a P wedi bod yn aelod actif yn union cyn dechrau'r absenoldeb neu'r anghydfod undebol hwnnw;

(c) os yw P ar absenoldeb awdurdodedig di-dâl a'r rheolwr cynllun yn caniatáu trin P fel aelod actif; neu

(d) os yw P ar absenoldeb gwasanaeth lluoedd wrth gefn a P wedi bod yn aelod actif yn union cyn dechrau'r absenoldeb hwnnw.

(3) Paragraph (2)(g) does not apply in respect of any period of service which qualifies the member for benefits under any occupational pension scheme in respect of that service.

(4) Where the circumstances in paragraph (2) apply to a member (P) who was employed as a retained firefighter or volunteer firefighter immediately before those circumstances applied and P's pensionable service for that period was 365 days or more, the amount of P's assumed pensionable pay is calculated by dividing the total amount of P's pensionable pay received for that service during the period of 365 days ending with the last day of continuous pensionable service before those circumstances applied, by 365 and multiplying by the number of days in which the circumstances in paragraph (2) applied.

(5) Where the circumstances in paragraph (2) apply to a member (P) who was employed as a retained firefighter or volunteer firefighter immediately before those circumstances applied and P's pensionable service for that period was less than 365 days, the amount of P's assumed pensionable pay is calculated by dividing the total amount of P's pensionable pay received for that service during that period of continuous pensionable service before those circumstances applied, by the number of days of that service and multiplying by the number of days in which the circumstances in paragraph (2) applied.

CHAPTER 4

Membership

Active membership

28. A person (P) is an active member of this scheme if—

(a) P is in pensionable service under this scheme;

(b) P is not in pensionable service whilst on unpaid sick leave or on unpaid child-related leave or on a trade dispute where P had been an active member immediately before that leave or trade dispute began;

(c) P is on unpaid authorised absence and the scheme manager permits P to be treated as an active member; or

(d) P is on reserve forces service leave and P was an active member immediately before that leave began.

Aelodaeth ohiriedig

29. Mae person (P) yn aelod gohiriedig o'r cynllun hwn mewn perthynas â chyfnod di-dor o wasanaeth pensiynadwy—

(a) os yw P yn peidio â bod yn aelod actif o'r cynllun hwn mewn perthynas â'r cyfnod hwnnw o wasanaeth, cyn bo P yn hawlio pensiwn o dan y cynllun hwn mewn cysylltiad â'r cyfnod hwnnw o wasanaeth pensiynadwy;

(b) os nad yw P yn aelod-bensiynwr o'r cynllun hwn mewn perthynas â'r cyfnod hwnnw o wasanaeth; ac

(c) os oes gan P dri mis o leiaf o wasanaeth cymwys neu os oes taliad gwerth trosglwyddiad, ac eithrio taliad o'r fath allan o gynllun pensiwn galwedigaethol arall, wedi ei dderbyn gan y cynllun hwn mewn perthynas â P.

Aelod â chredyd pensiwn

30. Mae person yn aelod â chredyd pensiwn o'r cynllun hwn os rhoddwyd i'r person hwnnw gredyd pensiwn yn y cynllun o ganlyniad i ddebyd pensiwn a grëwyd o dan adran 29 o DDLlPh 1999 mewn perthynas ag aelod o'r cynllun hwn.

Deferred membership

29. A person (P) is a deferred member of this scheme in relation to a continuous period of pensionable service if P—

(a) ceases to be an active member of this scheme in relation to that period of service before P claims a pension under this scheme in respect of that period of pensionable service;

(b) is not a pensioner member of this scheme in relation to that period of service; and

(c) has at least three months qualifying service or a transfer value payment otherwise than from another occupational pension scheme has been accepted by this scheme in relation to P.

Pension credit member

30. A person is a pension credit member of this scheme if that person has been given a pension credit in the scheme as a consequence of a pension debit created under section 29 of the WPRA 1999 in relation to a member of this scheme.

RHAN 4

Cyfrifon pensiwn

PENNOD 1

Rhagarweiniol

Disgrifiad o bensiwn

31. At ddibenion y Rhan hon, ystyr "disgrifiad o bensiwn" ("*description of pension*") yw unrhyw un o'r canlynol—

(a) pensiwn enilledig;

(b) pensiwn trosglwyddedig;

(c) pensiwn enilledig trosglwyddiad clwb;

(d) pensiwn ychwanegol.

PENNOD 2

Cyfrifo pensiwn cronedig

Cyfrifo swm pensiwn cronedig at y diben o ohirio neu ymddeol

32.—(1) At ddiben cyfrif ymddeol aelod actif sy'n ymddeol neu'n ymddeol yn rhannol, swm y pensiwn cronedig yw swm y pensiwn enilledig cronedig a gyfrifir yn unol â pharagraff (3) a swm y pensiwn ychwanegol cronedig a gyfrifir yn unol â pharagraff (4).

PART 4

Pension accounts

CHAPTER 1

Preliminary

Description of pension

31. For the purpose of this Part, "description of pension" ("*disgrifiad o bensiwn*") means any of the following—

(a) earned pension;

(b) transferred pension;

(c) club transfer earned pension;

(d) added pension.

CHAPTER 2

Calculation of accrued pension

Calculation of amount of accrued pension for purpose of deferment or retirement

32.—(1) For the purpose of a retirement account of an active member who retires or partially retires, the amount of accrued pension is the sum of the amount of accrued earned pension calculated in accordance with paragraph (3) and the amount of accrued added pension calculated in accordance with paragraph (4).

(2) At ddiben cyfrif aelod gohiriedig, cyfrifir swm y pensiwn enilledig cronedig yn unol â pharagraff (3).

(3) Swm y pensiwn enilledig cronedig yw cyfanswm y symiau canlynol a bennir yng nghyfrif yr aelod actif ar gyfer diwedd y diwrnod olaf o wasanaeth pensiynadwy—

(a) swm y balans agoriadol o bensiwn enilledig ar gyfer y flwyddyn gynllun actif olaf a'r addasiad mynegai ar gyfer y balans agoriadol hwnnw;

(b) swm y pensiwn enilledig a gronnodd yn ystod y flwyddyn gynllun actif olaf;

(c) swm y balans agoriadol o bensiwn a drosglwyddwyd (os oes un) ar gyfer y flwyddyn gynllun actif olaf a'r addasiad mynegai ar gyfer y balans agoriadol hwnnw;

(d) swm y pensiwn trosglwyddedig (os oedd un) yn ystod y flwyddyn gynllun actif olaf;

(e) swm y balans agoriadol o bensiwn enilledig trosglwyddiad clwb (os oes un) ar gyfer y flwyddyn gynllun actif olaf a'r addasiad mynegai ar gyfer y balans agoriadol hwnnw; ac

(f) swm y pensiwn enilledig trosglwyddiad clwb (os oedd un) ar gyfer y flwyddyn gynllun actif olaf.

(4) Swm y pensiwn ychwanegol cronedig yw cyfanswm y symiau canlynol a bennir yn y cyfrif pensiwn ychwanegol ar gyfer diwedd y diwrnod olaf o wasanaeth pensiynadwy—

(a) swm y balans agoriadol o bensiwn ychwanegol ar gyfer y flwyddyn gynllun actif olaf a'r addasiad mynegai DPC (os oes un) ar gyfer y balans agoriadol hwnnw; a

(b) swm y pensiwn ychwanegol cronedig ar gyfer y flwyddyn gynllun actif olaf.

PENNOD 3

Cyfrifo addasiadau

Cyfrifo "addasiad mynegai ymddeol"

33.—(1) Yr addasiad mynegai ymddeol ar gyfer swm o bensiwn enilledig cronedig yw—

Y swm o bensiwn cronedig × canran mynegai ymddeol

ac ystyr "canran mynegai ymddeol"("*retirement index percentage*") yw'r ganran mynegai ymddeol a gyfrifir o dan baragraff (2) ar gyfer pensiwn enilledig cronedig.

(2) Y ganran mynegai ymddeol yw—

(2) For the purpose of a deferred member's account, the amount of accrued earned pension is calculated in accordance with paragraph (3).

(3) The amount of accrued earned pension is the sum of the following amounts specified in the active member's account as at the end of the last day of pensionable service—

(a) the sum of the opening balance of earned pension for the last active scheme year and the index adjustment for that opening balance;

(b) the amount of earned pension accrued in the last active scheme year;

(c) the sum of the opening balance of transferred pension (if any) for the last active scheme year and the index adjustment for that opening balance;

(d) the amount of transferred pension (if any) for the last active scheme year;

(e) the sum of the opening balance of club transfer earned pension (if any) for the last active scheme year and the index adjustment for that opening balance; and

(f) the amount of club transfer earned pension (if any) for the last active scheme year.

(4) The amount of accrued added pension is the sum of the following amounts specified in the added pension account as at the end of the last day of pensionable service—

(a) the sum of the opening balance of added pension for the last active scheme year and the PIA index adjustment (if any) for that opening balance; and

(b) the amount of accrued added pension for the last active scheme year.

CHAPTER 3

Calculation of adjustments

Calculation of "retirement index adjustment"

33.—(1) The retirement index adjustment for an amount of accrued earned pension is—

Amount of accrued pension × retirement index percentage

where "retirement index percentage" ("canran mynegai ymddeol") means the retirement index percentage calculated under paragraph (2) for accrued earned pension.

(2) The retirement index percentage is—

$$A \times B/12$$

ac—

ystyr A yw—

(i) ar gyfer pensiwn enilledig trosglwyddiad clwb cronedig, y mynegai ailbrisio mewn-gwasanaeth sy'n gymwys mewn perthynas â'r cynllun hwn ar gyfer y flwyddyn ymadael;

(ii) ar gyfer pensiwn enilledig cronedig ac eithrio pensiwn enilledig trosglwyddiad clwb, yr addasiad mynegai sy'n gymwys mewn perthynas â'r cynllun hwn ar gyfer y flwyddyn ymadael;

B yw nifer y misoedd cyflawn yn y cyfnod rhwng dechrau'r flwyddyn ymadael a diwedd y diwrnod olaf perthnasol.

(3) At ddibenion y rheoliad hwn, mae "mis cyflawn" ("*complete month*") yn cynnwys mis anghyflawn sy'n cynnwys 16 diwrnod o leiaf.

Cyfrifo "addasiad mynegai DPC ymddeol"

34.—(1) Cyfrifir yr addasiad mynegai DPC ymddeol ar gyfer y swm o bensiwn ychwanegol cronedig yn unol â pharagraff (2).

(2) Yr addasiad mynegai DPC ymddeol yw swm y cynnydd y byddid wedi ei wneud o dan DPC 1971 yn y flwyddyn ymadael, yng nghyfradd flynyddol pensiwn o swm sy'n hafal i swm y pensiwn ychwanegol cronedig pe bai—

(a) y pensiwn hwnnw yn gymwys i'w gynyddu felly; a

(b) y diwrnod ar ôl y diwrnod olaf perthnasol yn ddyddiad cychwyn ar gyfer y pensiwn hwnnw.

Penderfynu'r "ychwanegiad oedran"

35.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â phob blwyddyn gynllun pan fo cyfrif aelod actif, a chyfrif pensiwn ychwanegol aelod actif, os oes un, ar agor; sy'n flwyddyn gynllun ddiweddarach na'r flwyddyn gynllun pan fo'r aelod yn cyrraedd oedran pensiwn arferol o dan y cynllun hwn; ac nad yw'n flwyddyn gynllun pan sefydlwyd y cyfrif o dan y Rhan hon.

(2) Ar ddechrau'r flwyddyn gynllun, ar gyfer pob disgrifiad o bensiwn, rhaid i'r rheolwr cynllun, gan roi sylw i ganllawiau actiwaraidd, benderfynu'r ychwanegiad oedran sydd i'w ddyfarnu ar gyfer y flwyddyn gynllun honno drwy gyfeirio at y balans agoriadol o'r disgrifiad o bensiwn sydd dan sylw ar gyfer y flwyddyn gynllun flaenorol.

$$A \times B/12$$

where—

A means—

(i) for accrued club transfer earned pension, the in-service revaluation index that applies in relation to this scheme for the leaving year,

(ii) for accrued earned pension other than club transfer earned pension, the index adjustment that applies in relation to this scheme for the leaving year,

B is the number of complete months in the period between the beginning of the leaving year and the end of the relevant last day.

(3) For the purposes of this regulation, "complete month" ("*mis cyflawn*") includes an incomplete month that consists of at least 16 days.

Calculation of "retirement PIA index adjustment"

34.—(1) The retirement PIA index adjustment for an amount of accrued added pension is calculated in accordance with paragraph (2).

(2) The retirement PIA index adjustment is the amount by which the annual rate of a pension of an amount equal to the amount of accrued added pension would have been increased in the leaving year under PIA 1971 if—

(a) that pension were eligible to be so increased; and

(b) the beginning date for that pension were the day after the relevant last day.

Determination of "the age addition"

35.—(1) This regulation applies in relation to every scheme year in which an active member's account and an active member's added pension account, if any, is open that is subsequent to the scheme year in which the member reaches normal pension age under this scheme, and that is not the scheme year in which the account is established under this Part.

(2) At the beginning of the scheme year, for each description of pension, the scheme manager, having regard to actuarial guidance, must determine the age addition to be awarded for that scheme year by reference to the opening balance of that description of pension for the previous scheme year.

(3) Yn y Rheoliadau hyn, ystyr "yr ychwanegiad oedran" ("*the age addition*") yw swm ychwanegol o bensiwn a benderfynir drwy gyfeirio at y gyfran o'r flwyddyn gynllun flaenorol pan oedd aelod eisoes wedi cyrraedd yr oedran pensiwn arferol o dan y cynllun hwn.

(3) In these Regulations, "the age addition" ("*yr ychwanegiad oedran*") means an additional amount of pension determined by reference to the proportion of the previous scheme year for which a member had reached normal pension age under this scheme.

Penderfynu'r "ychwanegiad oedran tybiedig"

36.—(1) Mae'r rheoliad hwn yn gymwys pan sefydlir cyfrif aelod gohiriedig neu gyfrif ymddeol mewn cysylltiad ag aelod nad oes ganddo gyfrif aelod actif mewn cysylltiad â chyflogaeth gynllun arall.

(2) Rhaid i'r rheolwr cynllun, gan roi sylw i ganllawiau actiwaraidd, benderfynu'r ychwanegiad oedran tybiedig ar gyfer y swm o bensiwn enilledig cronedig a phensiwn ychwanegol cronedig (os oes un) a bennir yn y cyfrif hwnnw.

(3) Yn y Rheoliadau hyn, ystyr "yr ychwanegiad oedran tybiedig" ("*the assumed age addition*") yw—

(a) yn achos swm o bensiwn enilledig cronedig nad yw'n briodoladwy i bensiwn a drosglwyddwyd, yr ychwanegiad oedran y byddid wedi ei ddyfarnu ar gyfer pensiwn enilledig cronedig pe na bai'r aelod wedi gadael gwasanaeth pensiynadwy neu wedi arfer yr opsiwn o ymddeol yn rhannol yn y flwyddyn ymadael, a benderfynir drwy gyfeirio at y gyfran o'r flwyddyn ymadael pan oedd yr aelod yn aelod actif o'r cynllun hwn, ac wedi cyrraedd oedran pensiwn arferol o dan y cynllun hwn;

(b) yn achos swm o bensiwn enilledig cronedig sy'n briodoladwy i bensiwn a drosglwyddwyd, yr ychwanegiad oedran y byddid wedi ei ddyfarnu ar gyfer pensiwn a drosglwyddwyd pe na bai'r aelod wedi gadael gwasanaeth pensiynadwy neu wedi arfer yr opsiwn o ymddeol yn rhannol yn y flwyddyn ymadael, a benderfynir drwy gyfeirio at y gyfran o'r flwyddyn ymadael pan oedd yr aelod yn aelod actif o'r cynllun hwn, ac wedi cyrraedd oedran pensiwn arferol o dan y cynllun hwn;

(c) yn achos swm o bensiwn ychwanegol cronedig, yr ychwanegiad oedran y byddid wedi ei ddyfarnu ar gyfer pensiwn ychwanegol pe na bai'r aelod wedi gadael gwasanaeth pensiynadwy neu wedi arfer yr opsiwn o ymddeol yn rhannol yn y flwyddyn ymadael, a benderfynir drwy gyfeirio at y gyfran o'r flwyddyn ymadael pan oedd yr aelod yn aelod actif o'r cynllun hwn, ac wedi cyrraedd oedran pensiwn arferol o dan y cynllun hwn.

Determination of "the assumed age addition"

36.—(1) This regulation applies on the establishment of a deferred member's account or retirement account in respect of a member who does not have an active member's account in connection with another scheme employment.

(2) The scheme manager, having regard to actuarial guidance, must determine the assumed age addition for the amount of accrued earned pension and accrued added pension (if any) specified in that account.

(3) In these Regulations "the assumed age addition" ("*yr ychwanegiad oedran tybiedig*") means—

(a) for an amount of accrued earned pension not attributable to a transferred pension, the age addition that would have been awarded for accrued earned pension if the member had not left pensionable service or exercised the option to partially retire in the leaving year, determined by reference to the proportion of the leaving year for which the member was an active member of this scheme who had reached normal pension age under this scheme;

(b) for an amount of accrued earned pension attributable to a transferred pension, the age addition that would have been awarded for transferred pension if the member had not left pensionable service or exercised the option to partially retire in the leaving year, determined by reference to the proportion of the leaving year for which the member was an active member of this scheme who had reached normal pension age under this scheme;

(c) for an amount of accrued added pension, the age addition that would have been awarded for added pension if the member had not left pensionable service or exercised the option to partially retire in the leaving year, determined by reference to the proportion of the leaving year for which the member was an active member of this scheme who had reached normal pension age under this scheme.

PENNOD 4

Cyfrifon pensiwn: cyffredinol

Sefydlu cyfrifon pensiwn: cyffredinol

37.—(1) Rhaid i'r rheolwr cynllun sefydlu a chynnal un neu ragor o gyfrifon pensiwn ar gyfer pob aelod o'r cynllun hwn yn unol â'r Rhan hon.

(2) O ran cyfrif pensiwn—

(a) caniateir ei gadw ym mha bynnag ffurf a ystyrir yn briodol gan y rheolwr cynllun; a

(b) rhaid iddo bennu'r manylion sy'n ofynnol gan y Rheoliadau hyn.

(3) Mae cyfeiriadau yn y Rheoliadau hyn at unrhyw swm a bennir mewn cyfrif pensiwn yn gyfeiriadau at y swm y mae'n ofynnol ei bennu felly o dan y Rheoliadau hyn ac nid, os yw'n wahanol, y swm a bennir felly mewn gwirionedd.

Cau ac addasu cyfrifon pensiwn wrth drosglwyddo allan neu wrth ad-dalu balans o gyfraniadau

38.—(1) Ac eithrio fel y darperir yn wahanol yn y rheoliad hwn, rhaid i'r rheolwr cynllun gau pob cyfrif pensiwn sy'n ymwneud ag aelod o'r cynllun hwn—

(a) os gwneir taliad trosglwyddo mewn cysylltiad â hawliau cronedig yr aelod o dan y cynllun hwn; neu

(b) os ad-delir holl gyfraniadau'r aelod i'r aelod o dan reoliad 125 (ad-dalu holl gyfraniadau aelod a'r holl daliadau ar gyfer pensiwn ychwanegol a wnaed gan aelod).

(2) Nid yw paragraff (1) yn ei gwneud yn ofynnol bod rheolwr cynllun yn cau cyfrif sy'n cynnwys symiau nad yw'r taliad trosglwyddo yn berthnasol iddynt neu nad yw'n briodoladwy iddynt.

(3) Rhaid i gyfrif nas caeir oherwydd paragraff (2) gael ei addasu ym mha bynnag fodd a ystyrir yn briodol gan y rheolwr cynllun, i adlewyrchu diddymu hawliau o dan y cynllun hwn(**1**).

(4) Nid yw paragraff (1)(a) yn ei gwneud yn ofynnol bod rheolwr cynllun yn cau cyfrif aelod â chredyd pensiwn os gwneir y taliad trosglwyddo mewn cysylltiad ag aelod sydd—

(a) yn aelod â chredyd pensiwn o'r cynllun hwn; a

(b) yn aelod actif, yn aelod gohiriedig neu'n aelod-bensiynwr o'r cynllun hwn.

(**1**) Mae rheoliad 125 yn darparu ar gyfer diddymu hawliau ar ôl ad-dalu'r holl gyfraniadau a'r holl daliadau ar gyfer pensiwn ychwanegol a wnaed gan aelod. Mae rheoliad 147 (effaith trosglwyddiadau allan) yn darparu ar gyfer diddymu hawliau ar ôl gwneud taliad trosglwyddo.

CHAPTER 4

Pension accounts: general

Establishment of pension accounts: general

37.—(1) The scheme manager must establish and maintain one or more pension accounts for each member of this scheme in accordance with this Part.

(2) A pension account—

(a) may be kept in any form which the scheme manager considers appropriate; and

(b) must specify the details required by these Regulations.

(3) References in these Regulations to any amount specified in a pension account are references to the amount that is required by these Regulations to be so specified and not, if different, to the amount actually so specified.

Closure and adjustment of pension accounts on transfer out or repayment of balance of contributions

38.—(1) Except as otherwise provided in this regulation, the scheme manager must close all pension accounts relating to a member of this scheme if—

(a) a transfer payment is made in respect of the member's accrued rights under this scheme; or

(b) all member contributions are refunded to the member under regulation 125 (refund of all member contributions and payments for added pension made by member).

(2) Paragraph (1) does not require the scheme manager to close an account that includes amounts to which the transfer payment does not relate or is not attributable.

(3) An account that is not closed because of paragraph (2) must be adjusted in such manner as the scheme manager considers appropriate to reflect the extinguishment of rights under this scheme(**1**).

(4) Paragraph (1)(a) does not require the scheme manager to close a pension credit member's account if the transfer payment is made in respect of a member who is both—

(a) a pension credit member of this scheme; and

(b) an active member, deferred member or pensioner member of this scheme.

(**1**) Regulation 125 provides for extinguishment of rights following the refund of all member contributions and payments for added pension made by the member. Regulation 147 (effect of transfers-out) provides for extinguishment of rights following the making of a transfer payment.

PENNOD 5

Cyfrif aelod actif

Cymhwyso'r Bennod

39.—(1) Mae'r Bennod hon yn gymwys mewn perthynas â chyfnod di-dor o wasanaeth pensiynadwy o dan y cynllun hwn.

(2) Yn achos person sy'n aelod actif o'r cynllun hwn mewn perthynas â dau neu ragor o gyfnodau di-dor o wasanaeth pensiynadwy yr un pryd, mae'r Bennod hon yn gymwys ar wahân mewn perthyna â phob un o'r cyfnodau hynny o wasanaeth.

Sefydlu cyfrif aelod actif

40.—(1) Rhaid i'r rheolwr cynllun sefydlu cyfrif pensiwn ar gyfer aelod sydd mewn gwasanaeth pensiynadwy o'r diwrnod y mae'r aelod yn dechrau mewn gwasanaeth pensiynadwy.

(2) At ddibenion y Rheoliadau hyn, cyfeirir at gyfrif a sefydlwyd o dan baragraff (1) fel cyfrif aelod actif.

Derbyn taliad gwerth trosglwyddiad

41.—(1) Mae'r rheoliad hwn yn gymwys os ceir taliad gwerth trosglwyddiad gan gynllun pensiwn arall (ac eithrio cynllun cysylltiedig) mewn perthynas ag aelod actif o'r cynllun hwn.

(2) Ar ôl cael y taliad gwerth trosglwyddiad, rhaid i'r rheolwr cynllun gredydu cyfrif yr aelod actif gyda'r swm o bensiwn a drosglwyddwyd, a gyfrifir o dan reoliad 152(2) (swm pensiwn a drosglwyddir).

Derbyn taliad gwerth trosglwyddiad clwb

42.—(1) Mae'r rheoliad hwn yn gymwys os ceir taliad gwerth trosglwyddiad clwb gan gynllun clwb arall mewn perthynas ag aelod actif o'r cynllun hwn.

(2) Ar ôl cael y taliad gwerth trosglwyddiad clwb, rhaid i'r rheolwr cynllun gredydu cyfrif yr aelod actif gyda'r swm o bensiwn enilledig trosglwyddiad clwb, a gyfrifir o dan reoliad 154(2) (swm pensiwn enilledig trosglwyddiad clwb).

Swm y pensiwn ar gyfer blwyddyn gynllun

43.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â phob blwyddyn gynllun pan fo cyfrif aelod actif ar agor.

(2) Rhaid i'r cyfrif aelod actif bennu swm—

(a) y pensiwn enilledig (os oes un) am y flwyddyn gynllun;

(b) y pensiwn trosglwyddedig (os oes un) am y flwyddyn gynllun; ac

CHAPTER 5

Active member's account

Application of Chapter

39.—(1) This Chapter applies in relation to a continuous period of pensionable service under this scheme.

(2) For a person who is an active member of this scheme in relation to two or more continuous periods of pensionable service at the same time, this Chapter applies separately in relation to each of those periods of service.

Establishment of active member's account

40.—(1) The scheme manager must establish a pension account for a member who is in pensionable service from the day on which the member begins pensionable service.

(2) For the purposes of these Regulations, an account established under paragraph (1) is called an active member's account.

Receipt of a transfer value payment

41.—(1) This regulation applies if a transfer value payment is received from another pension scheme (other than a connected scheme) in relation to an active member of this scheme.

(2) On receiving the transfer value payment, the scheme manager must credit the active member's account with the amount of transferred pension calculated under regulation 152(2) (amount of transferred pension).

Receipt of a club transfer value payment

42.—(1) This regulation applies if a club transfer value payment is received from another club scheme in relation to an active member of this scheme.

(2) On receiving the club transfer value payment, the scheme manager must credit the active member's account with an amount of club transfer earned pension calculated under regulation 154(2) (amount of club transfer earned pension).

Amount of pension for a scheme year

43.—(1) This regulation applies in relation to every scheme year in which an active member's account is open.

(2) The active member's account must specify the amount of—

(a) earned pension (if any) for the scheme year;

(b) transferred pension (if any) for the scheme year; and

(c) y pensiwn enilledig trosglwyddiad clwb (os oes un), gan bob cynllun sy'n anfon, am y flwyddyn gynllun.

(3) Y swm yw—

(a) ar gyfer pensiwn enilledig, 1/61.4fed o'r tâl pensiynadwy a gafodd yr aelod am y flwyddyn honno mewn cysylltiad â'r gyflogaeth gynllun y sefydlwyd cyfrif yr aelod hwnnw ar ei chyfer;

(b) ar gyfer pensiwn enilledig, 1/61.4fed o dâl pensiynadwy tybiedig yr aelod am y flwyddyn gynllun pan fo'r aelod yn talu'r cyfraniadau sy'n ofynnol gan—

(i) paragraffau (3) a (4) o reoliad 120 (cyfraniadau yn ystod absenoldeb o'r gwaith oherwydd anghydfod undebol neu absenoldeb awdurdodedig di-dâl),

(ii) paragraff (1) o reoliad 121 (cyfraniadau yn ystod absenoldeb o'r gwaith ar absenoldeb gwasanaeth lluoedd wrth gefn),

(iii) paragraff (3) o reoliad 122 (cyfraniadau yn ystod absenoldeb cysylltiedig â phlentyn);

(c) ar gyfer pensiwn enilledig, 1/61.4fed o dâl pensiynadwy tybiedig yr aelod yn ystod absenoldeb yr aelod oherwydd salwch neu anaf, am y cyfnod y telir y cyfraniadau mewn cysylltiad ag ef gan yr aelod, sy'n ofynnol gan baragraff (2) o reoliad 120 (cyfraniadau yn ystod absenoldeb o'r gwaith oherwydd salwch neu anaf);

(d) ar gyfer pensiwn enilledig, 1/61.4fed o dâl pensiynadwy tybiedig yr aelod tra bo'r aelod ar absenoldeb mabwysiadu arferol, absenoldeb mamolaeth arferol neu absenoldeb tadolaeth;

(e) ar gyfer pensiwn trosglwyddedig, y swm y mae gan yr aelod hawl i'w gyfrif o dan reoliad 152(2) (swm pensiwn a drosglwyddir) am y flwyddyn honno; ac

(f) ar gyfer pensiwn enilledig trosglwyddiad clwb, swm yr holl werthoedd trosglwyddiad clwb a gafwyd mewn perthynas â'r aelod yn ystod y flwyddyn honno fel y'i cyfrifir o dan reoliad 154(2) (swm pensiwn enilledig trosglwyddiad clwb).

Balans agoriadol, addasiad mynegai ac ychwanegiad oedran

44.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â phob blwyddyn gynllun pan fo cyfrif aelod actif ar agor ac eithrio'r flwyddyn gynllun y sefydlwyd y cyfrif hwnnw ynddi.

(2) Rhaid i'r cyfrif aelod actif bennu—

(c) club transfer earned pension (if any) from each sending scheme for the scheme year.

(3) The amount is—

(a) for earned pension, 1/61.4th of the member's pensionable pay received for that year for the scheme employment in respect of which that member's account is established;

(b) for earned pension, 1/61.4th of the member's assumed pensionable pay for the scheme year where the member pays the contributions required by—

(i) paragraphs (3) and (4) of regulation 120 (contributions during absence from work due to trade dispute or authorised unpaid absence),

(ii) paragraph (1) of regulation 121 (contributions during absence from work on reserve forces service leave), or

(iii) paragraph (3) of regulation 122 (contributions during child-related leave);

(c) for earned pension, 1/61.4th of the member's assumed pensionable pay during the member's absence due to illness or injury for the period in respect of which the member pays the contributions required by paragraph (2) of regulation 120 (contributions during absence from work due to illness or injury);

(d) for earned pension, 1/61.4th of the member's assumed pensionable pay whilst the member is absent on ordinary adoption leave, ordinary maternity leave or paternity leave;

(e) for transferred pension, the amount which the member is entitled to count under regulation 152(2) (amount of transferred pension) for that year; and

(f) for club transfer earned pension, the amount of all club transfer values received in relation to the member in that year as calculated under regulation 154(2) (amount of club transfer earned pension).

Opening balance, index adjustment and age addition

44.—(1) This regulation applies in relation to every scheme year in which an active member's account is open other than the scheme year in which that account is established.

(2) The active member's account must specify —

(a) balans agoriadol y pensiwn enilledig ar gyfer y flwyddyn gynllun a'r addasiad mynegai ar gyfer y balans agoriadol hwnnw ac, os yw'n gymwys, yr ychwanegiad oedran a ddyfarnwyd ar ddechrau'r flwyddyn gynllun;

(b) balans agoriadol y pensiwn enilledig trosglwyddiad clwb (os oedd un) ar gyfer y flwyddyn gynllun a'r addasiad mynegai ar gyfer y balans agoriadol hwnnw ac, os yw'n gymwys, yr ychwanegiad oedran a ddyfarnwyd ar ddechrau'r flwyddyn gynllun;

(c) balans agoriadol y pensiwn a drosglwyddwyd (os oedd un) ar gyfer y flwyddyn gynllun a'r addasiad mynegai ar gyfer y balans agoriadol hwnnw ac, os yw'n gymwys, yr ychwanegiad oedran a ddyfarnwyd ar ddechrau'r flwyddyn gynllun.

(3) Yn y Rheoliadau hyn—

ystyr "balans agoriadol" ("*opening balance*") mewn perthynas â disgrifiad o bensiwn, ac eithrio pensiwn ychwanegol, yw—

(a) yn achos y flwyddyn gynllun sy'n dilyn yn union ar ôl y flwyddyn gynllun y sefydlwyd cyfrif yr aelod actif ynddi, swm y pensiwn hwnnw am y flwyddyn gynllun flaenorol, fel y'i pennid ar ddiwedd y flwyddyn gynllun honno; a

(b) yn achos unrhyw flwyddyn gynllun ddilynol, cyfanswm y symiau canlynol—

(i) balans agoriadol y pensiwn hwnnw am y flwyddyn gynllun flaenorol a'r addasiad mynegai ar gyfer y balans agoriadol hwnnw,

(ii) swm y pensiwn hwnnw am y flwyddyn gynllun flaenorol fel y'i pennid ar ddiwedd y flwyddyn gynllun flaenorol honno, a

(iii) os yw'n gymwys, yr ychwanegiad oedran a ddyfarnwyd ar ddechrau'r flwyddyn gynllun flaenorol.

(a) the opening balance of earned pension for the scheme year and the index adjustment for that opening balance, and if applicable, the age addition awarded at the beginning of the scheme year;

(b) the opening balance of club transfer earned pension (if any) for the scheme year and the index adjustment for that opening balance and if applicable, the age addition awarded at the beginning of the scheme year;

(c) the opening balance of transferred pension (if any) for the scheme year and the index adjustment for that opening balance and if applicable, the age addition awarded at the beginning of the scheme year.

(3) In these Regulations—

"opening balance" ("*balans agoriadol*") in relation to a description of pension, other than added pension—

(a) for the scheme year immediately following the scheme year in which the active member's account is established, means the amount of that pension for the previous scheme year as at the end of that scheme year; and

(b) for any subsequent scheme year, means the sum of the following amounts—

(i) the opening balance of that pension for the previous scheme year and the index adjustment for that opening balance,

(ii) the amount of that pension for the previous scheme year as at the end of the previous scheme year, and

(iii) if applicable, the age addition awarded at the beginning of the previous scheme year.

Dyfarniad afiechyd sy'n peidio â bod yn daladwy

45.—(1) Mae'r rheoliad hwn yn gymwys pan fo dyfarniad afiechyd yn peidio â bod yn daladwy i berson o dan reoliad 78 (canlyniadau adolygu) a'r aelod-bensiynwr yn dychwelyd i wasanaeth pensiynadwy.

(2) Rhaid i'r rheolwr cynllun—

(a) cau'r cyfrif ymddeol;

(b) ailsefydlu'r cyfrif aelod actif a'i gredydu â swm hafal i'r gyfradd flynyddol o bensiwn afiechyd haen isaf a oedd yn daladwy pan wnaed y dyfarniad afiechyd gyntaf; ac

Ill-health award ceases to be payable

45.—(1) This regulation applies when an ill-health award ceases to be payable to a person under regulation 78 (consequences of review) and the pensioner member re-enters pensionable service.

(2) The scheme manager must—

(a) close the retirement account;

(b) re-establish the active member's account and credit it with an amount equal to the annual rate of lower tier ill-health pension payable when the ill-health award was first made; and

(c) gwneud cofnodion yn y cyfrif aelod actif fel pe bai'r aelod, yn ystod y bwlch yn y gwasanaeth pensiynadwy—

(i) wedi bod mewn gwasanaeth pensiynadwy o dan y cynllun hwn, ond

(ii) heb gael unrhyw dâl pensiynadwy.

Cau ac ailsefydlu cyfrif aelod actif

46.—(1) Rhaid i'r rheolwr cynllun gau cyfrif aelod actif mewn perthynas â chyfnod o wasanaeth pan fo'r rheolwr cynllun yn sefydlu, mewn perthynas â'r cyfnod o wasanaeth hwnnw—

(a) cyfrif aelod gohiriedig o dan Bennod 7 (cyfrif aelod gohiriedig); neu

(b) cyfrif ymddeol o dan Bennod 8 (cyfrif ymddeol).

(2) Rhaid i'r rheolwr cynllun ailsefydlu cyfrif aelod actif o dan y Bennod hon os yw'r rheolwr cynllun yn cau cyfrif aelod gohiriedig o dan Bennod 7.

(3) Pan fo gan aelod actif fwy nag un cyfrif aelod actif ac yn peidio â bod mewn gwasanaeth pensiynadwy mewn cysylltiad â gwasanaeth mewn un cyflogaeth gynllun, a hynny pan nad oedd ganddo wasanaeth cymwys am gyfnod o dri mis mewn cysylltiad â'r cyfrif hwnnw, rhaid cau'r cyfrif aelod actif ar gyfer y gyflogaeth honno, a chyfuno'r buddion sydd yn y cyfrif hwnnw â'r cyfrif aelod actif arall.

(4) Os bydd gan yr aelod actif fwy nag un cyfrif aelod actif ar ôl cau'r cyfrif a grybwyllir ym mharagraff (3), caiff yr aelod ddewis y cyfrif aelod actif y mae'r buddion o'r cyfrif a gaeir i'w cyfuno ag ef.

(5) Os yw'r aelod actif yn methu â gwneud y dewis a grybwyllir ym mharagraff (4), caiff y rheolwr cynllun ddewis y cyfrif aelod actif y mae'r buddion o'r cyfrif a gaeir i'w cyfuno ag ef.

PENNOD 6

Cyfrif pensiwn ychwanegol

Sefydlu cyfrif pensiwn ychwanegol

47.—(1) Rhaid sefydlu cyfrif pensiwn ar gyfer pob aelod actif (P) sy'n gwneud dewisiad pensiwn ychwanegol.

(2) Os yw P yn aelod actif mewn perthynas â mwy nag un gyflogaeth gynllun, un cyfrif pensiwn ychwanegol yn unig sydd i'w agor.

(3) At ddibenion y Rheoliadau hyn, gelwir cyfrif a sefydlwyd o dan baragraff (1) yn gyfrif pensiwn ychwanegol.

(c) make entries in the active member's account as if, during the gap in pensionable service, the member—

(i) was in pensionable service under this scheme, but

(ii) received no pensionable pay.

Closure and re-establishment of active member's account

46.—(1) The scheme manager must close an active member's account in relation to a period of service when the scheme manager establishes in relation to that period of service—

(a) a deferred member's account under Chapter 7 (deferred member's account); or

(b) a retirement account under Chapter 8 (retirement account).

(2) The scheme manager must re-establish an active member's account under this Chapter if the scheme manager closes a deferred member's account under Chapter 7.

(3) Where an active member has more than one active member's account and ceases to be in pensionable service in respect of service in one scheme employment without having qualifying service for a period of three months in respect of that account, the active member's account for that employment must be closed and the benefits in that account must be aggregated with the other active member's account.

(4) If the active member has more than one active member's account after the account mentioned in paragraph (3) has been closed, the member may choose the active member's account with which the benefits from the closed account are to be aggregated.

(5) If the active member fails to make the selection mentioned in paragraph (4), the scheme manager may choose the active member's account with which the benefits from the closed account are to be aggregated.

CHAPTER 6

Added pension account

Establishment of added pension account

47.—(1) A pension account must be established for each active member (P) who makes an added pension election.

(2) If P is an active member in relation to more than one scheme employment, only one added pension account is to be opened.

(3) For the purpose of these Regulations, an account established under paragraph (1) is called an added pension account.

Y cyfrif i bennu swm y pensiwn ychwanegol

48.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â phob blwyddyn gynllun pan fo dewisiad pensiwn ychwanegol yn cael effaith.

(2) Rhaid i'r cyfrif pensiwn ychwanegol bennu, mewn perthynas ag unrhyw daliadau pensiwn ychwanegol a wnaed yn y flwyddyn gynllun dan sylw, swm y pensiwn ychwanegol a benderfynwyd gan y rheolwr cynllun o dan baragraff 11 neu o dan baragraff 14 o Atodlen 1 (taliadau ar gyfer pensiwn ychwanegol) sydd i'w credydu mewn cysylltiad â'r flwyddyn gynllun honno.

Account to specify amount of added pension

48.—(1) This regulation applies in relation to every scheme year in which an added pension election has effect.

(2) The added pension account must specify in relation to any added pension payments made in that scheme year the amount of added pension determined by the scheme manager under paragraph 11 or under paragraph 14 of Schedule 1 (payments for added pension) to be credited in respect of that scheme year.

Y cyfrif i bennu'r balans agoriadol a'r addasiad mynegai DPC

49.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â phob blwyddyn gynllun pan fo cyfrif pensiwn ychwanegol ar agor, ac eithrio'r flwyddyn gynllun pan sefydlwyd y cyfrif.

(2) Rhaid i'r cyfrif bennu—

(a) y balans agoriadol o bensiwn ychwanegol ar gyfer y flwyddyn gynllun a'r addasiad mynegai DPC ar gyfer y balans agoriadol hwnnw;

(b) os yw'n gymwys, yr ychwanegiad oedran a ddyfarnwyd ar ddechrau'r flwyddyn gynllun.

(3) Ystyr "balans agoriadol" ("*opening balance*") o bensiwn ychwanegol yw—

(a) yn achos y flwyddyn gynllun sy'n dilyn yn union ar ôl y flwyddyn gynllun y sefydlwyd y cyfrif pensiwn ychwanegol ynddi, swm y pensiwn ychwanegol fel y'i pennid yn y cyfrif ar ddiwedd y flwyddyn gynllun flaenorol; a

(b) yn achos unrhyw flwyddyn gynllun ddilynol, cyfanswm y symiau canlynol—

(i) balans agoriadol y pensiwn ychwanegol am y flwyddyn gynllun flaenorol,

(ii) yr addasiad mynegai DPC (os oes un) ar gyfer y balans agoriadol hwnnw,

(iii) os yw'n gymwys, yr ychwanegiad oedran a ddyfarnwyd ar ddechrau'r flwyddyn gynllun flaenorol, a

(iv) swm y pensiwn ychwanegol am y flwyddyn gynllun flaenorol fel y'i pennid ar ddiwedd y flwyddyn gynllun flaenorol.

Account to specify opening balance and PIA index adjustment

49.—(1) This regulation applies in relation to every scheme year in which an added pension account is open other than the scheme year in which the account is established.

(2) The account must specify—

(a) the opening balance of added pension for the scheme year and the PIA index adjustment for that opening balance;

(b) if applicable, the age addition awarded at the beginning of the scheme year.

(3) The "opening balance" ("*balans agoriadol*") of added pension—

(a) for the scheme year immediately following the scheme year in which the added pension account is established, means the amount of added pension specified in the account as at the end of the previous scheme year; and

(b) for any subsequent scheme year, means the sum of the following amounts—

(i) the opening balance of added pension for the previous scheme year,

(ii) the PIA index adjustment (if any) for that opening balance,

(iii) if applicable, the age addition awarded at the beginning of the previous scheme year, and

(iv) the amount of added pension for the previous scheme year as at the end of the previous scheme year.

Cau a throsglwyddo cyfrif pensiwn ychwanegol

50.—(1) Os oes gan aelod actif (P) gyfrif pensiwn ychwanegol, rhaid i'r cyfrif pensiwn ychwanegol barhau ar agor—

Closure and transfer of added pension account

50.—(1) Where an active member (P) has an added pension account, the added pension account must remain open until—

(a) hyd nes bo P wedi hawlio pensiwn ymddeol a swm y pensiwn ychwanegol wedi ei drosglwyddo i'r cyfrif ymddeol neu'r cyfrif aelod gohiriedig; neu

(b) hyd nes gwneir taliad gwerth trosglwyddiad mewn cysylltiad â hawliau P i'r pensiwn ychwanegol cronedig; neu

(c) pan fo trosglwyddiad o gofnodion y cyfeirir atynt ym mharagraff (2) wedi ei gwblhau.

(2) Pan fo rheolwr cynllun wedi darparu tystysgrif o dan reoliad 155 (gofyniad bod rheolwr cynllun yn darparu tystysgrif) mewn cysylltiad â chyfrif pensiwn ychwanegol, rhaid i'r rheolwr cynllun newydd sefydlu cyfrif pensiwn ychwanegol a throsglwyddo'r cofnodion o'r dystysgrif honno i'r cyfrif hwnnw.

Pensiwn afiechyd sy'n peidio â bod yn daladwy

51.—(1) Mae'r rheoliad hwn yn gymwys os yw—

(a) pensiwn ychwanegol yn daladwy gyda dyfarniad afiechyd; a

(b) y dyfarniad afiechyd yn peidio â bod yn daladwy o dan reoliad 78 (canlyniadau adolygu).

(2) Rhaid i'r cyfrif pensiwn ychwanegol gael ei ailsefydlu a'i gredydu â swm hafal i'r gyfradd flynyddol o bensiwn ychwanegol a dalwyd i'r aelod-bensiynwr yn y flwyddyn gynllun olaf cyn peidio â thalu'r dyfarniad afiechyd i'r aelod.

PENNOD 7

Cyfrif aelod gohiriedig

Cymhwyso'r Bennod

52.—(1) Mae'r Bennod hon yn gymwys mewn perthynas â chyfnod di-dor o wasanaeth pensiynadwy o dan y cynllun hwn.

(2) Yn achos person sy'n aelod gohiriedig o'r cynllun hwn mewn perthynas â dau neu ragor o gyfnodau di-dor o wasanaeth pensiynadwy, mae'r Bennod hon yn gymwys ar wahân mewn perthynas â phob un o'r cyfnodau hynny o wasanaeth.

Sefydlu cyfrif aelod gohiriedig

53.—(1) Mae'r rheoliad hwn yn gymwys pan fo aelod actif o'r cynllun hwn yn dod yn aelod gohiriedig o'r cynllun hwn.

(2) Rhaid i'r rheolwr cynllun—

(a) cau'r cyfrif aelod actif ar gyfer y cyfnod hwnnw o wasanaeth; a

(b) sefydlu cyfrif pensiwn ar gyfer yr aelod gohiriedig am y cyfnod hwnnw o wasanaeth.

(a) P has claimed a retirement pension and the amount of added pension is transferred to the retirement account or the deferred member's account; or

(b) a transfer value payment is made in respect of P's rights to the accrued added pension; or

(c) where a transfer of entries referred to in paragraph (2) has been completed.

(2) Where a scheme manager has provided a certificate under regulation 155 (requirement for scheme manager to provide a certificate) in respect of an added pension account, the new scheme manager must establish an added pension account and transfer the entries from that certificate to that account.

Ill-health pension ceases to be payable

51.—(1) This regulation applies if—

(a) an added pension is payable with an ill-health award; and

(b) the ill-health award ceases to be payable under regulation 78 (consequences of review).

(2) The added pension account must be re-established and credited with an amount equal to the annual rate of added pension paid to the pensioner member in the last scheme year before the payment of the ill-health award to the member ceased.

CHAPTER 7

Deferred member's account

Application of Chapter

52.—(1) This Chapter applies in relation to a continuous period of pensionable service under this scheme.

(2) For a person who is a deferred member of this scheme in relation to two or more continuous periods of pensionable service, this Chapter applies separately in relation to each of those periods of service.

Establishment of deferred member's account

53.—(1) This regulation applies when an active member of this scheme becomes a deferred member of this scheme.

(2) The scheme manager must—

(a) close the active member's account for that period of service; and

(b) establish a pension account for the deferred member for that period of service.

(3) At ddibenion y Rheoliadau hyn, gelwir cyfrif a sefydlwyd o dan baragraff (2)(b) yn gyfrif aelod gohiriedig.

Swm dros dro o bensiwn gohiriedig

54.—(1) Rhaid i'r cyfrif aelod gohiriedig bennu'r swm dros dro o bensiwn gohiriedig.

(2) Y swm dros dro o bensiwn gohiriedig yw cyfanswm y canlynol—

(a) swm y pensiwn enilledig cronedig a gyfrifwyd o dan reoliad 32(3) (cyfrifo swm pensiwn cronedig at y diben o ohirio neu ymddeol) ("swm cronedig");

(b) yr addasiad mynegai ymddeol ar gyfer y swm cronedig; ac

(c) yr ychwanegiad oedran tybiedig (os oes un) ar gyfer y swm cronedig.

(3) Ni chymhwysir yr addasiad mynegai ymddeol mewn perthynas â swm y pensiwn enilledig cronedig os gwnaed taliad trosglwyddo mewn cysylltiad â hawliau'r aelod i'r pensiwn enilledig cronedig hwnnw cyn diwedd y flwyddyn gynllun actif olaf.

(4) Mae'r ychwanegiad oedran tybiedig yn gymwys mewn perthynas ag aelod sy'n cyrraedd oedran pensiwn arferol o dan y cynllun hwn heb fod yn llai nag un mis cyn y diwrnod olaf o wasanaeth pensiynadwy.

Swm y pensiwn gohiriedig ymddeol

55.—(1) Mae'r rheoliad hwn yn gymwys pan fo aelod gohiriedig o'r cynllun hwn yn cael yr hawl i daliad o bensiwn ymddeol ar unwaith am gyfnod o wasanaeth.

(2) Rhaid i gyfrif yr aelod gohiriedig bennu swm y pensiwn gohiriedig ymddeol.

(3) Swm y pensiwn gohiriedig ymddeol yw cyfanswm y canlynol—

(a) swm unrhyw bensiwn ychwanegol cronedig a drosglwyddwyd i gyfrif yr aelod gohiriedig,

(b) yr addasiad mynegai DPC ymddeol ar gyfer y pensiwn ychwanegol cronedig,

(c) yr ychwanegiad oedran tybiedig (os oes un) ar gyfer y pensiwn ychwanegol cronedig, a

(d) y swm dros dro o bensiwn gohiriedig.

(4) Ar gyfer swm y pensiwn gohiriedig ymddeol, rhaid i'r cyfrif aelod gohiriedig bennu—

(a) y gostyngiad talu'n gynnar (os oes un);

(b) swm y cymudiad (os oes un); ac

(c) cyfanswm y dyraniad (os oes un).

(3) For the purpose of these Regulations, an account established under paragraph (2)(b) is called a deferred member's account.

Provisional amount of deferred pension

54.—(1) The deferred member's account must specify the provisional amount of deferred pension.

(2) The provisional amount of deferred pension is the sum of—

(a) the amount of accrued earned pension calculated under regulation 32(3) (calculation of amount of accrued pension for purposes of deferment or retirement) ("accrued amount");

(b) the retirement index adjustment for the accrued amount; and

(c) the assumed age addition (if any) for the accrued amount.

(3) The retirement index adjustment is not applied in relation to the amount of accrued earned pension if a transfer payment in respect of the member's rights to that accrued earned pension was made before the end of the last active scheme year.

(4) The assumed age addition applies in relation to a member who reaches normal pension age under this scheme not less than one month before the last day of pensionable service.

Retirement amount of deferred pension

55.—(1) This regulation applies when a deferred member of this scheme becomes entitled to the immediate payment of a retirement pension for a period of service.

(2) The deferred member's account must specify the retirement amount of deferred pension.

(3) The retirement amount of deferred pension is the sum of—

(a) the amount of any accrued added pension transferred to the deferred member's account,

(b) the retirement PIA index adjustment for the accrued added pension,

(c) the assumed age addition (if any) for the accrued added pension, and

(d) the provisional amount of deferred pension.

(4) For the retirement amount of deferred pension, the deferred member's account must specify—

(a) the early payment reduction (if any);

(b) the commutation amount (if any); and

(c) the total allocation amount (if any).

Addasu cyfrif wedi i daliadau cynnar o bensiwn gohiriedig ddod i ben

56. Pan fo aelod gohiriedig, sydd wedi cael y taliad cynnar o bensiwn gohiriedig o dan reoliad 76 (talu pensiwn ymddeol yn gynnar i aelod gohiriedig), yn peidio â bod â'r hawl i gael y taliad cynnar o'r pensiwn gohiriedig o dan reoliad 78(7) (canlyniadau adolygu) rhaid i'r rheolwr cynllun wneud yr addasiadau angenrheidiol i gyfrif yr aelod gohiriedig.

Adjustment of account after early payment of deferred pension ceases

56. When a deferred member who has received the early payment of a deferred pension under regulation 76 (early payment of retirement pension to deferred member) ceases to be entitled to the early payment of the deferred pension under regulation 78(7) (consequences of review), the scheme manager must make the necessary adjustments to the deferred member's account.

Cyfrif a sefydlir ar ôl i ddyfarniad afiechyd beidio â bod yn daladwy

57. Os yw pensiwn afiechyd haen isaf yn peidio â bod yn daladwy i berson (P) o dan reoliad 78 (canlyniadau adolygu) ac nad yw P yn dychwelyd i wasanaeth pensiynadwy—

(a) rhaid sefydlu cyfrif aelod gohiriedig; a

(b) rhaid credydu'r cyfrif hwnnw gyda swm hafal i'r gyfradd flynyddol o'r pensiwn afiechyd haen isaf a oedd yn daladwy yn union cyn y peidiodd y pensiwn afiechyd haen isaf â bod yn daladwy.

Account established after ill-health award ceases to be payable

57. If a lower tier ill-health pension ceases to be payable to a person (P) under regulation 78 (consequences of review) and P does not re-enter pensionable service—

(a) a deferred member's account must be established; and

(b) that account must be credited with an amount equal to the annual rate of the lower tier ill-health pension payable immediately before the lower tier ill-health pension ceased to be payable.

Cau cyfrif aelod gohiriedig ar ôl bwlch mewn gwasanaeth pensiynadwy nad yw'n hwy na phum mlynedd

58.—(1) Mae'r rheoliad hwn yn gymwys pan fo aelod gohiriedig o'r cynllun hwn yn dychwelyd i wasanaeth pensiynadwy o dan y cynllun hwn ar ôl bwlch mewn gwasanaeth pensiynadwy nad yw'n hwy na phum mlynedd.

(2) Rhaid i'r rheolwr cynllun—

(a) cau'r cyfrif aelod gohiriedig mewn perthynas â'r cyfnod hwnnw o wasanaeth a thrin y cyfrif aelod gohiriedig fel pe na bai erioed wedi ei sefydlu;

(b) ailsefydlu'r cyfrif aelod actif o dan Bennod 5 mewn perthynas â'r cyfnod hwnnw o wasanaeth; a

(c) gwneud cofnodion yn y cyfrif aelod actif fel pe bai'r aelod, yn ystod y bwlch mewn gwasanaeth pensiynadwy—

(i) mewn gwasanaeth pensiynadwy o dan y cynllun hwn, ond

(ii) heb gael unrhyw dâl pensiynadwy.

(3) Os oedd gan yr aelod gohiriedig fwy nag un cyfrif aelod gohiriedig, a agorwyd o fewn pum mlynedd i'r dyddiad ym mharagraff (1), caiff yr aelod, o fewn tri mis i'r dyddiad dychwelyd i gyflogaeth gynllun, ddewis pa gyfrif aelod gohiriedig sydd i'w gau.

Closure of deferred member's account after gap in pensionable service not exceeding five years

58.—(1) This regulation applies when a deferred member of this scheme re-enters pensionable service under this scheme after a gap in pensionable service not exceeding five years.

(2) The scheme manager must—

(a) close the deferred member's account in relation to that period of service and treat the deferred member's account as if it were never established;

(b) re-establish the active member's account under Chapter 5 in relation to that period of service; and

(c) make entries in the active member's account as if, during the gap in pensionable service, the member—

(i) was in pensionable service under this scheme, but

(ii) received no pensionable pay.

(3) Where a deferred member had more than one deferred member's account which has been opened within five years of the date in paragraph (1) the member may within three months of the date of re-entering scheme employment select which deferred member's account is to be closed.

(4) Os metha'r aelod gohiriedig â gwneud y dewis a grybwyllir ym mharagraff (3), rhaid i'r rheolwr cynllun ddewis pa gyfrif aelod gohiriedig sydd i'w gau.

PENNOD 8

Cyfrif ymddeol

Sefydlu cyfrif ymddeol ac addasiadau eraill

59.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â chyfnod di-dor o wasanaeth pensiynadwy o dan y cynllun hwn.

(2) Pan fo aelod actif o'r cynllun hwn yn cael yr hawl i daliad ar unwaith o bensiwn ymddeol neu ddyfarniad afiechyd, rhaid i'r rheolwr cynllun—

(a) cau'r holl gyfrifon aelod actif ar gyfer yr aelod hwnnw ac unrhyw gyfrif pensiwn ychwanegol; a

(b) sefydlu cyfrif ar gyfer yr aelod-bensiynwr am y cyfnod hwnnw o wasanaeth.

(3) Pan fo aelod actif o'r cynllun hwn yn arfer yr opsiwn o ran-ymddeoliad ac yn cael yr hawl o dan reoliad 67(1) (hawlogaeth i bensiwn ymddeol) i daliad ar unwaith o bensiwn ymddeol, rhaid i'r rheolwr cynllun—

(a) cau'r cyfrif aelod actif am y cyfnod o wasanaeth cynharach;

(b) sefydlu cyfrif ar gyfer yr aelod-bensiynwr am y cyfnod hwnnw o wasanaeth cynharach;

(c) cau unrhyw gyfrif pensiwn ychwanegol a throsglwyddo swm y pensiwn ychwanegol cronedig i'r cyfrif ymddeol; a

(d) sefydlu cyfrif aelod actif newydd o dan Bennod 5 ar gyfer gwasanaeth parhaus yr aelod fel pe bai'r diwrnod sy'n dilyn y dyddiad opsiwn yn ddiwrnod cyntaf y gwasanaeth pensiynadwy yn y gyflogaeth gynllun.

(4) Pan fo aelod gohiriedig yn cael yr hawl i daliad ar unwaith o bensiwn ymddeol, rhaid i'r rheolwr cynllun—

(a) cau unrhyw gyfrif pensiwn ychwanegol; a

(b) trosglwyddo swm y pensiwn ychwanegol cronedig (os oes un) i gyfrif yr aelod gohiriedig.

(5) At ddibenion y Rheoliadau hyn, gelwir cyfrif a sefydlir ar gyfer aelod-bensiynwr o dan baragraff (2)(b) neu (3)(b) yn gyfrif ymddeol.

(6) Yn y rheoliad hwn—

(4) If the deferred member fails to make the selection mentioned in paragraph (3), the scheme manager must select which deferred member's account is to be closed.

CHAPTER 8

Retirement account

Establishment of retirement account and other adjustments

59.—(1) This regulation applies in relation to a continuous period of pensionable service under this scheme.

(2) When an active member of this scheme becomes entitled to the immediate payment of a retirement pension or an ill-health award, the scheme manager must—

(a) close all the active member's accounts for that member and any added pension account; and

(b) establish an account for the pensioner member for that period of service.

(3) When an active member of this scheme exercises the partial retirement option and becomes entitled under regulation 67(1) (entitlement to retirement pension) to the immediate payment of a retirement pension, the scheme manager must—

(a) close the active member's account for the period of earlier service;

(b) establish an account for the pensioner member for that period of earlier service;

(c) close any added pension account and transfer the amount of accrued added pension to the retirement account; and

(d) establish a new active member's account under Chapter 5 for the member's continuing service as if the first day of pensionable service in the scheme employment is the day after the option date.

(4) When a deferred member becomes entitled to the immediate payment of a retirement pension, the scheme manager must—

(a) close any added pension account; and

(b) transfer the amount of accrued added pension (if any) to the deferred member's account.

(5) For the purpose of these Regulations, an account established for a pensioner member under paragraph (2)(b) or (3)(b) is called a retirement account.

(6) In this regulation—

ystyr "cyfnod o wasanaeth cynharach" ("*period of earlier service*") yw'r cyfnod di-dor o wasanaeth pensiynadwy a oedd yn diweddu ar y dyddiad opsiwn;

ystyr "dyddiad opsiwn" ("*option date*") yw'r dyddiad yr arferir yr opsiwn o ran-ymddeoliad ac y caiff yr aelod yr hawl i daliad ar unwaith o bensiwn ymddeol; ac

ystyr "gwasanaeth parhaus" ("*continuing service*") yw gwasanaeth pensiynadwy sy'n parhau, yn dilyn arfer yr opsiwn o ran-ymddeoliad yn rheoliad 72 (arfer yr opsiwn o ran-ymddeoliad) ar ôl y dyddiad opsiwn.

"continuing service" ("*gwasanaeth parhaus*") means pensionable service that continues following the exercise of the partial retirement option in regulation 72 (exercise of partial retirement option) after the option date;

"option date" ("*dyddiad opsiwn*") means the date on which the partial retirement option is exercised and the member becomes entitled to the immediate payment of a retirement pension;

"period of earlier service" ("*cyfnod o wasanaeth cynharach*") means the continuous period of pensionable service ending on the option date.

Y cyfrif i bennu swm y pensiwn ymddeol (aelodau actif)

60.—(1) Rhaid i'r cyfrif ymddeol bennu, o ran pensiwn enilledig cronedig a phensiwn ychwanegol cronedig, swm y pensiwn ymddeol hwnnw.

(2) Swm y pensiwn enilledig ymddeol yw cyfanswm y canlynol—

(a) swm y pensiwn enilledig cronedig a gyfrifir o dan reoliad 32(3) (cyfrifo swm pensiwn cronedig at y diben o ohirio neu ymddeol) ("swm cronedig");

(b) yr addasiad mynegai ymddeol ar gyfer y swm cronedig; ac

(c) yr ychwanegiad oedran tybiedig (os oes un) ar gyfer y swm cronedig.

(3) Swm unrhyw bensiwn ychwanegol ymddeol yw cyfanswm y canlynol—

(a) swm y pensiwn ychwanegol cronedig a gyfrifir o dan reoliad 32(4) (cyfrifo swm pensiwn cronedig at y diben o ohirio neu ymddeol);

(b) yr addasiad mynegai DPC ymddeol ar gyfer y pensiwn ychwanegol cronedig; ac

(c) yr ychwanegiad oedran tybiedig (os oes un) ar gyfer y pensiwn ychwanegol cronedig.

(4) Ar gyfer swm y pensiwn enilledig ymddeol a swm y pensiwn ychwanegol ymddeol, rhaid i'r cyfrif ymddeol bennu'r canlynol—

(a) y gostyngiad talu'n gynnar (os oes un);

(b) swm y cymudiad (os oes un); ac

(c) cyfanswm y dyraniad (os oes un).

(5) Mae'r ychwanegiad oedran tybiedig yn gymwys mewn perthynas ag aelod sy'n cyrraedd oedran pensiwn arferol o dan y cynllun hwn o leiaf un mis cyn y diwrnod olaf o wasanaeth pensiynadwy.

Account to specify amount of retirement pension (active members)

60.—(1) The retirement account must specify, for accrued earned pension and accrued added pension, the amount of that retirement pension.

(2) The amount of retirement earned pension is the sum of—

(a) the amount of the accrued earned pension calculated under regulation 32(3) (calculation of amount of accrued pension for purpose of deferment or retirement) ("accrued amount");

(b) the retirement index adjustment for the accrued amount; and

(c) the assumed age addition (if any) for the accrued amount.

(3) The amount of any retirement added pension is the sum of—

(a) the amount of the accrued added pension calculated under regulation 32(4) (calculation of amount of accrued pension for purpose of deferment or retirement);

(b) the retirement PIA index adjustment for the accrued added pension; and

(c) the assumed age addition (if any) for the accrued added pension.

(4) For the amount of retirement earned pension and the amount of retirement added pension, the retirement account must specify—

(a) the early payment reduction (if any);

(b) the commutation amount (if any); and

(c) the total allocation amount (if any).

(5) The assumed age addition applies in relation to a member who reaches normal pension age under this scheme at least one month before the last day of pensionable service.

PENNOD 9

Cyfrifon pensiwn ar gyfer aelod-oroeswyr

Sefydlu cyfrif aelod-oroeswr

61.—(1) Rhaid i'r rheolwr cynllun sefydlu cyfrif pensiwn ar gyfer pob person sydd â hawl i gael pensiwn o dan y cynllun hwn fel partner sy'n goroesi neu blentyn cymwys yn dilyn marwolaeth aelod actif, aelod gohiriedig neu aelod-bensiynwr.

(2) Rhaid i'r rheolwr cynllun—

(a) cau'r cyfrif aelod actif neu'r cyfrif aelod gohiriedig neu'r cyfrif ymddeol (yn ôl fel y digwydd) a'r cyfrif pensiwn ychwanegol (os oes un); a

(b) sefydlu cyfrif pensiwn ar gyfer pob aelod-oroeswr.

(3) At ddibenion y Rheoliadau hyn—

(a) gelwir person sydd â hawl i gael pensiwn yn yr amgylchiadau a grybwyllir ym mharagraff (1) yn aelod-oroeswr; a

(b) gelwir cyfrif a sefydlwyd o dan baragraff (2)(b) yn gyfrif aelod-oroeswr.

Swm y pensiwn sy'n daladwy i aelod-oroeswr

62. Rhaid credydu cyfrif yr aelod-oroeswr â swm hafal i gyfradd flynyddol y pensiwn sy'n daladwy i'r aelod-oroeswr, a gyfrifir yn unol â'r rheoliad priodol ym Mhennod 2 (pensiynau ar gyfer partneriaid sy'n goroesi) neu Bennod 3 (pensiynau ar gyfer plant cymwys) o Ran 6 (buddion marwolaeth), yn ôl fel y digwydd, sy'n rhoi'r pensiwn i'r aelod-oroeswr.

CHAPTER 9

Pension accounts for survivor members

Establishment of survivor member's account

61.—(1) The scheme manager must establish a pension account for each person who is entitled to a pension under this scheme as a surviving partner or eligible child following the death of an active member, deferred member or pensioner member.

(2) The scheme manager must—

(a) close the active member's account or the deferred member's account or the retirement account (as the case may be) and the added pension account (if any); and

(b) establish a pension account for each survivor member.

(3) For the purpose of these Regulations—

(a) a person entitled to a pension in the circumstances mentioned in paragraph (1) is called a survivor member; and

(b) an account established under paragraph (2)(b) is called a survivor member's account.

Amount of pension payable to survivor member

62. The survivor member's account must be credited with an amount equal to the annual rate of pension payable to the survivor member calculated in accordance with the appropriate regulation in Chapter 2 (pensions for surviving partners) or Chapter 3 (pensions for eligible children) of Part 6 (death benefits), as the case may be, which confers the pension on the survivor member.

PENNOD 10

Cyfrifon pensiwn ar gyfer aelodau â chredyd pensiwn

Sefydlu cyfrif aelod â chredyd pensiwn

63.—(1) Rhaid i'r rheolwr cynllun sefydlu cyfrif pensiwn ar gyfer pob aelod o'r cynllun hwn sydd â chredyd pensiwn.

(2) Os oes gan aelod â chredyd pensiwn fwy nag un credyd pensiwn, yn deillio o ddau neu ragor o aelodau â debyd pensiwn, rhaid i'r rheolwr cynllun sefydlu cyfrif aelod â chredyd pensiwn mewn perthynas â phob aelod â debyd pensiwn.

(3) Rhaid i'r cyfrif aelod â chredyd pensiwn bennu swm y pensiwn a gredydwyd, ac, ar gyfer y swm hwnnw, swm y cymudiad (os oes un).

(4) Pan sefydlir y cyfrif aelod â chredyd pensiwn, rhaid i'r cyfrifon a sefydlwyd o dan y Rhan hon ar

CHAPTER 10

Pension accounts for pension credit members

Establishment of pension credit member's account

63.—(1) The scheme manager must establish a pension account for each pension credit member of this scheme.

(2) If a pension credit member has more than one pension credit derived from two or more pension debit members, the scheme manager must establish a pension credit member's account in relation to each pension debit member.

(3) The pension credit member's account must specify the amount of credited pension, and for that amount, the commutation amount (if any).

(4) On the establishment of the pension credit member's account, the accounts established under this

gyfer yr aelod â debyd pensiwn gael eu lleihau gan y swm perthnasol.

(5) At ddibenion y Rheoliadau hyn, gelwir cyfrif a sefydlir ar gyfer aelod â chredyd pensiwn o dan baragraff (1) yn gyfrif aelod â chredyd pensiwn.

(6) Yn y rheoliad hwn—

ystyr "swm perthnasol" ("*relevant amount*") yw'r swm a ystyrir yn briodol gan y rheolwr cynllun, ar ôl ymgynghori ag actiwari'r cynllun, gan roi sylw i'r canlynol—

(a) y cyfwerth ariannol, a fyddai wedi bod yn daladwy o dan Bennod 2 o Ran 4A (gofynion cysylltiedig â budd credyd pensiwn: gwerthoedd trosglwyddiad) o DCauP 1993(**1**), mewn cysylltiad â hawl yr aelod â chredyd pensiwn i gael buddion o dan y cynllun hwn, sydd i'w priodoli (yn uniongyrchol neu'n anuniongyrchol) i'r credyd pensiwn; a

(b) darpariaethau adrannau 29 (creu credydau a debydau pensiwn) ac 31 (lleihau budd) o DDLlPh 1999;

ystyr "swm y pensiwn a gredydwyd" ("*amount of credited pension*") yw swm hafal i'r credyd pensiwn a gyfrifir yn unol â rheoliadau a wneir o dan baragraff 5(b) o Atodlen 5 (credydau pensiwn: modd diwallu) i DDLlPh 1999.

Cyfrifon pensiwn eraill

64. Os yw aelod o'r cynllun hwn sydd â chredyd pensiwn hefyd yn aelod actif, aelod gohiriedig, aelod-bensiynwr neu'n aelod-oroeswr o'r cynllun hwn, rhaid i'r rheolwr cynllun sefydlu cyfrif aelod â chredyd pensiwn yn ychwanegol at unrhyw gyfrif arall a sefydlwyd ar gyfer yr aelod o dan y Rhan hon.

RHAN 5

Buddion ymddeol

PENNOD 1

Dehongli

Cymhwyso'r Rhan

65. Mae'r Rhan hon yn gymwys mewn perthynas â buddion ymddeol sy'n daladwy mewn cysylltiad â chyfnod di-dor o wasanaeth pensiynadwy o dan y cynllun hwn.

(**1**) Mewnosodwyd Rhan 4A gan adran 37 o Ddeddf Diwygio Lles a Phensiynau 1999 (p. 30).

Part for the pension debit member must be reduced by the relevant amount.

(5) For the purpose of these Regulations, an account established for a pension credit member under paragraph (1) is called a pension credit member's account.

(6) In this regulation—

"amount of credited pension" ("*swm y pensiwn a gredydwyd*") means an amount equal to the pension credit calculated in accordance with regulations made under paragraph 5(b) of Schedule 5 (pension credits: mode of discharge) to WRPA 1999;

"relevant amount" ("*swm perthnasol*") means the amount that the scheme manager, after consultation with the scheme actuary, considers appropriate, having regard to—

(a) the cash equivalent that would have been payable under Chapter 2 of Part 4A (requirements relating to pension credit benefit: transfer values) of PSA 1993(**1**) in respect of the pension credit member's right to benefits under this scheme attributable (directly or indirectly) to the pension credit; and

(b) the provisions of sections 29 (creation of pension credits and debits) and 31 (reduction of benefit) of WRPA 1999.

Other pension accounts

64. If a pension credit member of this scheme is also an active member, deferred member, pensioner member or survivor member of this scheme, the scheme manager must establish a pension credit member's account in addition to any other account established for the member under this Part.

PART 5

Retirement benefits

CHAPTER 1

Interpretation

Application of Part

65. This Part applies in relation to retirement benefits payable in respect of a continuous period of pensionable service under this scheme.

(**1**) Part 4A was inserted by the Welfare Reform and Pensions Act 1999 (c. 30), section 37.

Gwasanaeth cymwys

66.—(1) Yn y Rheoliadau hyn, mewn perthynas â chyfrif pensiwn aelod, ystyr "gwasanaeth cymwys" ("*qualifying service*") yw cyfanswm y canlynol—

(a) unrhyw wasanaeth pensiynadwy o dan y cynllun hwn mewn perthynas â'r un cyfrif pensiwn;

(b) os derbyniwyd taliad gwerth trosglwyddiad o dan Ran 10 (trosglwyddiadau) mewn cysylltiad â hawliau cronedig aelod o dan gynllun pensiwn galwedigaethol arall, y cyfnod o wasanaeth pensiynadwy'r aelod o dan y cynllun hwnnw; ac

(c) yn achos aelod trosiannol sydd â pharhad gwasanaeth, yn ddarostyngedig i baragraffau (2), (3), (4) a (5), gwasanaeth pensiynadwy yr aelod sy'n gyfrifadwy o dan reol F1(**1**) (cyfrifo gwasanaeth pensiynadwy a thystysgrifau o'r cyfryw) o Gynllun 1992 (os oes rhywfaint) a gwasanaeth cymwys yr aelod o dan CPNDT (os oes rhywfaint).

(2) Os oes gan aelod trosiannol fwy nag un cyfrif aelod actif ac os oedd yn aelod o Gynllun 1992, rhaid ychwanegu'r gwasanaeth pensiynadwy sy'n gyfrifadwy o dan reol F1 o Gynllun 1992 at y gwasanaeth pensiynadwy ar gyfer y cyfrif aelod actif y mae'r gyflogaeth gynllun ar ei gyfer yn fwyaf tebyg i'r gyflogaeth a oedd yn bensiynadwy o dan Gynllun 1992.

(3) Os oes gan aelod trosiannol nifer mwy o gyfrifon aelod actif na nifer y contractau cyflogaeth yr oedd yr aelod hwnnw'n aelod o CPNDT mewn cysylltiad â hwy, rhaid ychwanegu'r gwasanaeth cymwys o dan yr CPNDT at y gwasanaeth pensiynadwy ar gyfer y cyfrif aelod actif y mae'r gyflogaeth gynllun ar ei gyfer yn fwyaf tebyg i'r gyflogaeth a oedd yn bensiynadwy o dan yr CPNDT.

(4) Os oedd aelod trosiannol yn aelod o Gynllun 1992 ac o CPNDT neu os oedd ganddo ddau neu ragor o gontractau cyflogaeth yr oedd yn aelod o CPNDT mewn perthynas â hwy, rhaid ychwanegu'r gwasanaeth pensiynadwy sy'n gyfrifadwy o dan reol F1 o Gynllun 1992, neu'r gwasanaeth cymwys o dan yr CPNDT, yn ôl fe y digwydd, at y gwasanaeth pensiynadwy ar gyfer y cyfrif aelod actif y mae'r gyflogaeth gynllun ar ei gyfer yn fwyaf tebyg i'r gyflogaeth a oedd yn bensiynadwy o dan Gynllun 1992 neu'r CPNDT.

(5) Os nad yw'r rheolwr cynllun yn sicr pa wasanaeth pensiynadwy o dan Gynllun 1992, neu wasanaeth cymwys o dan yr CPNDT, yw'r tebycaf i'r gyflogaeth gynllun ar gyfer cyfrif pensiwn penodol,

(**1**) Diwygiwyd rheol F1 o Gynllun 1992 fel y mae'n cael effaith yng Nghymru gan O.S. 2006/1672 (Cy. 160), 2007/1074 (Cy. 112) a 2014/3242 (Cy. 329).

Qualifying service

66.—(1) In these Regulations, in relation to a member's pension account, "qualifying service" ("*gwasanaeth cymwys*") means the total of—

(a) any pensionable service under this scheme in relation to the same pension account;

(b) if a transfer value payment has been accepted under Part 10 (transfers) in respect of a member's accrued rights under another occupational pension scheme, the member's period of pensionable service under that scheme; and

(c) for a transition member with continuity of service, subject to paragraphs (2), (3), (4) and (5), the member's pensionable service reckonable under rule F1(**1**) (reckoning of and certificates as to pensionable service) of the 1992 Scheme (if any) and the member's qualifying service under the NFPS (if any).

(2) Where a transition member has more than one active member's account and was a member of the 1992 Scheme, the pensionable service reckonable under rule F1 of the 1992 Scheme must be added to the pensionable service for the active member's account in respect of which the scheme employment is the most similar to the employment which was pensionable under the 1992 Scheme.

(3) Where a transition member has more active member's accounts than the number of contracts of employment in respect of which that member was a member of the NFPS, the qualifying service under the NFPS must be added to the pensionable service for the active member's account in respect of which the scheme employment is most similar to the employment which was pensionable under the NFPS.

(4) Where a transition member was a member of the 1992 Scheme and the NFPS or had two or more contracts of employment in respect of which that member was a member of the NFPS, the pensionable service reckonable under rule F1 of the 1992 Scheme or the qualifying service under the NFPS, as the case may be, must be added to the pensionable service for the active member's account in respect of which the scheme employment is most similar to the employment which was pensionable under the 1992 Scheme or the NFPS.

(5) If the scheme manager is not certain which service pensionable under the 1992 Scheme or qualifying service under the NFPS is the most similar to the scheme employment for a particular pension

(**1**) Rule F1 of the 1992 Scheme as it has effect in Wales has been amended by S.I. 2006/1672 (W. 160), 2007/1074 (W. 112) and 2014/3242 (W. 329).

caiff yr aelod benderfynu pa wasanaeth pensiynadwy o dan Gynllun 1992, neu wasanaeth cymwys o dan yr CPNDT, sydd i'w ychwanegu at y gwasanaeth pensiynadwy mewn perthynas â chyfrif pensiwn yr aelod, a hysbysu'r rheolwr cynllun o hynny drwy hysbysiad ysgrifenedig, ym mha bynnag ffurf sy'n ofynnol gan y rheolwr cynllun.

(6) Ni chyfrifir yr un o'r canlynol yn wasanaeth cymwys—

(a) unrhyw wasanaeth pensiynadwy o dan y cynllun hwn y diddymwyd mewn cysylltiad ag ef hawliau'r person o dan y cynllun hwn;

(b) unrhyw wasanaeth pensiynadwy o dan Gynllun 1992 neu'r CPNDT y diddymwyd mewn cysylltiad ag ef hawliau'r person o dan y cynllun hwnnw;

(c) unrhyw absenoldeb diawdurdod o gyflogaeth gynllun.

PENNOD 2

Buddion ymddeol

Hawlogaeth i bensiwn ymddeol

67.—(1) Yn ddarostyngedig i baragraff (2), mae hawl gan aelod (P) o'r cynllun hwn i gael taliad ar unwaith o bensiwn enilledig ymddeol o dan y cynllun hwn—

(a) os—

(i) yw P wedi cyrraedd 55 mlwydd oed,

(ii) oes gan P o leiaf dri mis o wasanaeth cymwys,

(iii) yw P wedi hawlio taliad o bensiwn ymddeol, a

(iv) nad yw P bellach yn gyflogedig mewn cyflogaeth gynllun ac nad oes hawl ganddo, felly, i fod yn aelod actif o'r cynllun hwn; neu

(b) os yw P wedi arfer yr opsiwn o ran-ymddeoliad.

(2) Pan fo hawl gan aelod i gael dyfarniad afiechyd, nid yw'r gofyniad ym mharagraff (1)(a)(i) yn gymwys i'r aelod hwnnw.

(3) Wrth gael yr hawl i daliad ar unwaith o bensiwn enilledig ymddeol, mae hawl gan P i gael taliad ar unwaith o bensiwn ychwanegol ymddeol os oedd gan P, cyn cael yr hawl felly, gyfrif pensiwn ychwanegol yn y cynllun hwn.

(4) Rhaid gwneud yr hawliad am daliad o bensiwn ymddeol drwy roi hysbysiad i'r rheolwr cynllun ym mha bynnag ffurf sy'n ofynnol gan y rheolwr cynllun, a rhaid rhoi'r hysbysiad cyn y dyddiad y gwneir y taliad cyntaf o'r pensiwn ymddeol.

account, the member may decide which pensionable service under the 1992 Scheme or qualifying service under the NFPS is to be added to the pensionable service in relation to a member's pension account and notify the scheme manager by written notice, in a form required by the scheme manager.

(6) None of the following counts as qualifying service—

(a) any pensionable service under this scheme in respect of which a person's rights under this scheme are extinguished;

(b) any pensionable service under the 1992 Scheme or the NFPS in respect of which a person's rights under that scheme are extinguished;

(c) any unauthorised absence from scheme employment.

CHAPTER 2

Retirement benefits

Entitlement to retirement pension

67.—(1) Subject to paragraph (2), a member of this scheme (P) is entitled to the immediate payment of a retirement earned pension under this scheme if—

(a) P—

(i) has reached the age of 55,

(ii) has at least three months qualifying service,

(iii) has claimed payment of a retirement pension, and

(iv) is no longer employed in a scheme employment and so is not entitled to be an active member of this scheme; or

(b) P has exercised the partial retirement option.

(2) Where a member is entitled to an ill-health award, the requirement in paragraph (1)(a)(i) does not apply to that member.

(3) On becoming entitled to the immediate payment of a retirement earned pension, P is entitled to immediate payment of a retirement added pension if P had an added pension account in this scheme before becoming so entitled.

(4) The claim for payment of a retirement pension must be made by notice to the scheme manager in a form required by the scheme manager and must be given before the date on which the first payment of the retirement pension is paid.

Cyfradd flynyddol pensiwn ymddeol (aelodau actif)

68.—(1) Mae'r rheoliad hwn yn gymwys pan fo aelod actif o'r cynllun hwn yn cael yr hawl i daliad o bensiwn ymddeol ar unwaith.

(2) Cyfrifir y gyfradd flynyddol o bensiwn ymddeol sy'n daladwy i aelod y mae'r rheoliad hwn yn gymwys iddo, ar y diwrnod sy'n dilyn y diwrnod olaf o wasanaeth pensiynadwy, drwy adio cyfansymiau is-baragraffau (a), (b) ac (c)—

(a) y cyfanswm sy'n deillio o—

(i) cymryd swm y pensiwn enilledig ymddeol a bennir yng nghyfrif ymddeol yr aelod,

(ii) didynnu'r gostyngiad talu'n gynnar (os oes un), a bennir yn y cyfrif hwnnw mewn perthynas â'r swm hwnnw,

(iii) didynnu swm y cymudiad (os oes un), a bennir yn y cyfrif hwnnw mewn perthynas â'r swm hwnnw, a

(iv) didynnu cyfanswm y dyraniad (os oes un), a bennir yn y cyfrif hwnnw mewn perthynas â'r swm hwnnw; a

(b) y cyfanswm sy'n deillio o—

(i) cymryd swm y pensiwn ychwanegol ymddeol (os oes un) a bennir yng nghyfrif ymddeol yr aelod,

(ii) didynnu'r gostyngiad talu'n gynnar (os oes un), a bennir yn y cyfrif hwnnw mewn perthynas â'r swm hwnnw,

(iii) didynnu swm y cymudiad (os oes un), a bennir yn y cyfrif hwnnw mewn perthynas â'r swm hwnnw, a

(iv) didynnu cyfanswm y dyraniad (os oes un), a bennir yn y cyfrif hwnnw mewn perthynas â'r swm hwnnw;

(c) swm y pensiwn afiechyd haen uchaf (os oes un) a ddyfarnwyd i'r aelod o dan reoliad 74(2) (hawlogaeth i bensiwn afiechyd haen isaf a phensiwn afiechyd haen uchaf).

Cyfradd flynyddol pensiwn ymddeol (aelodau gohiriedig)

69.—(1) Mae'r rheoliad hwn yn gymwys pan fo aelod gohiriedig o'r cynllun hwn yn cael yr hawl i daliad o bensiwn ymddeol ar unwaith.

(2) Cyfrifir y gyfradd flynyddol o bensiwn ymddeol sy'n daladwy i aelod y mae'r rheoliad hwn yn gymwys iddo drwy ddidynnu'r canlynol o swm y pensiwn gohiriedig ymddeol sydd yng nghyfrif yr aelod gohiriedig—

Annual rate of retirement pension (active members)

68.—(1) This regulation applies when an active member of this scheme becomes entitled to the immediate payment of a retirement pension.

(2) The annual rate of a retirement pension payable on the day following the last day of pensionable service to a member to whom this regulation applies is calculated by adding the total of sub-paragraphs (a), (b) and (c)—

(a) the amount derived by—

(i) taking the amount of retirement earned pension specified in the member's retirement account,

(ii) subtracting the early payment reduction (if any), specified in that account in relation to that amount,

(iii) subtracting the commutation amount (if any) specified in that account in relation to that amount, and

(iv) subtracting the total allocation amount (if any) specified in that account in relation to that amount;

(b) the amount derived by—

(i) taking the amount of retirement added pension (if any) specified in the member's retirement account,

(ii) subtracting the early payment reduction (if any), specified in that account in relation to that amount,

(iii) subtracting the commutation amount (if any) specified in that account in relation to that amount, and

(iv) subtracting the total allocation amount (if any) specified in that account in relation to that amount;

(c) the amount of the higher tier ill-health pension (if any) awarded to the member under regulation 74(2)(entitlement to lower tier ill-health pension and higher tier ill-health pension).

Annual rate of retirement pension (deferred members)

69.—(1) This regulation applies when a deferred member of this scheme becomes entitled to the immediate payment of a retirement pension.

(2) The annual rate of a retirement pension payable to a member to whom this regulation applies is calculated by subtracting from the retirement amount of deferred pension specified in the deferred member's account—

(a) y gostyngiad talu'n gynnar (os oes un), a bennir yn y cyfrif hwnnw mewn perthynas â'r swm hwnnw;

(b) swm y cymudiad (os oes un) a bennir yn y cyfrif hwnnw mewn perthynas â'r swm hwnnw;

(c) cyfanswm y dyraniad (os oes un) a bennir yn y cyfrif hwnnw mewn perthynas â'r swm hwnnw.

Gostyngiad talu'n gynnar

70.—(1) Mae'r rheoliad hwn yn gymwys pan fo gostyngiad actiwaraidd i'w gymhwyso wrth gyfrifo cyfradd flynyddol y pensiwn sy'n daladwy i aelod actif nad yw wedi cyrraedd yr oedran pensiwn arferol, neu i aelod gohiriedig nad yw wedi cyrraedd yr oedran pensiwn gohiriedig.

(2) Caiff aelod actif (A) hawlio taliad o bensiwn ymddeol ar ôl i A gyrraedd 55 mlwydd oed, a chyn iddo gyrraedd yr oedran pensiwn arferol.

(3) Cyfrifir y gostyngiad actiwaraidd i'w gymhwyso, mewn achos sy'n dod o fewn paragraff (2), yn unol â chanllawiau actiwaraidd sy'n lleihau'r pensiwn ar y sail nad oedd A wedi cyrraedd yr oedran pensiwn arferol. Rhaid i'r canllawiau actiwaraidd roi sylw i niwtraliaeth actiwaraidd wrth gymharu â gwerth presennol pensiwn sy'n daladwy ar yr oedran pensiwn arferol, a dylai ychwanegiadau yn y dyfodol, rhwng dyddiad ymddeoliad cynnar A a'r oedran pensiwn arferol, fod yn unol ag ychwanegiadau o dan yr addasiad mynegai.

(4) Caiff aelod gohiriedig (G) hawlio taliad o bensiwn ymddeol ar ôl i G gyrraedd 55 mlwydd oed, a chyn iddo gyrraedd yr oedran pensiwn gohiriedig.

(5) Cyfrifir y gostyngiad actiwaraidd i'w gymhwyso, mewn achos sy'n dod o fewn paragraff (4), yn unol â chanllawiau actiwaraidd sy'n lleihau'r pensiwn ar y sail nad oedd G wedi cyrraedd yr oedran pensiwn gohiriedig. Rhaid i'r canllawiau actiwaraidd roi sylw i niwtraliaeth actiwaraidd wrth gymharu â gwerth presennol pensiwn sy'n daladwy ar yr oedran pensiwn gohiriedig, a dylai ychwanegiadau yn y dyfodol, rhwng dyddiad ymddeoliad cynnar G a'r oedran pensiwn gohiriedig, fod yn unol ag ychwanegiadau o dan DPC 1971.

Ymddeoliad a ysgogir gan gyflogwr

71.—(1) Pan fo aelod actif sydd wedi cyrraedd 55 mlwydd oed neu'n hŷn, ond heb gyrraedd yr oedran pensiwn arferol, yn cael ei ddiswyddo o gyflogaeth gynllun gan gyflogwr am reswm effeithlonrwydd busnes, neu pan derfynir ei gyflogaeth drwy gydsyniad cilyddol ar sail effeithlonrwydd busnes, a'r cyflogwr yn gwneud y penderfyniad ym mharagraff (2), cyfrifir pensiwn yr aelod hwnnw yn unol â rheoliad 68 (cyfradd flynyddol pensiwn ymddeol (aelodau actif)) heb y gostyngiad talu'n gynnar.

(a) the early payment reduction (if any), specified in that account in relation to that amount;

(b) the commutation amount (if any) specified in that account in relation to that amount;

(c) the total allocation amount (if any) specified in that account in relation to that amount.

Early payment reduction

70.—(1) This regulation applies when an actuarial reduction is to be applied when calculating the annual rate of pension to be payable to an active member who has not reached normal pension age or to a deferred member who has not reached deferred pension age.

(2) An active member (A) may claim a retirement pension to be paid after A has reached the age of 55 and before A has reached normal pension age.

(3) The actuarial reduction to be applied in a case falling in paragraph (2) is calculated in accordance with actuarial guidance which reduces the pension on the basis that A had not reached normal pension age. The actuarial guidance must have regard to actuarial neutrality compared to the present value of a pension payable at normal pension age, with future increases between the date of A's early retirement and normal pension age being in line with increases under the index adjustment.

(4) A deferred member (D) may claim a retirement pension to be paid after D has reached the age of 55 and before D has reached deferred pension age.

(5) The actuarial reduction to be applied in a case falling in paragraph (4) is in accordance with actuarial guidance which reduces the pension on the basis that D had not reached deferred pension age. The actuarial guidance must have regard to actuarial neutrality compared to the present value of a pension payable at deferred pension age, with future increases between the date of D's early retirement and deferred pension age being in line with increases under PIA 1971.

Employer initiated retirement

71.—(1) Where an active member who has attained the age of 55 or over but has not attained normal pension age is dismissed by an employer from a scheme employment by reason of business efficiency or whose employment is terminated by mutual consent on the grounds of business efficiency and the employer makes the determination in paragraph (2), that member's pension is calculated in accordance with regulation 68 (annual rate of retirement pension (active members)) without the early payment reduction.

(2) Ni chaiff cyflogwr dalu pensiwn ymddeol o'r swm a grybwyllir ym mharagraff (1) ac eithrio yn yr amgylchiadau a grybwyllir yn y paragraff hwnnw, sef pan fo'r cyflogwr yn penderfynu y byddai pensiwn ymddeol, a ddyfernid ar y sail honno, yn gymorth i reoli swyddogaethau'r cyflogwr yn ddarbodus, yn effeithiol ac yn effeithlon, ar ôl ystyried y costau tebygol a dynnid yn yr achos penodol dan sylw.

PENNOD 3

Buddion rhan-ymddeoliad

Arfer yr opsiwn o ran-ymddeoliad

72.—(1) Mae'r rheoliad hwn yn gymwys, mewn perthynas â chyfnod di-dor o wasanaeth pensiynadwy, i aelod actif o'r cynllun hwn (P)—

(a) sy'n 55 mlwydd oed o leiaf; a

(b) y byddai hawl ganddo i gael taliad ar unwaith o bensiwn ymddeol mewn perthynas â'r cyfnod hwnnw o wasanaeth pe bai P yn gadael gwasanaeth pensiynadwy ac yn hawlio taliad o'r pensiwn.

(2) Caiff P arfer yr opsiwn o barhau mewn gwasanaeth pensiynadwy o dan y cynllun hwn, ond hawlio taliad o'r cyfan o bensiwn cronedig P mewn perthynas â'r gwasanaeth pensiynadwy cyn arfer yr opsiwn o ran-ymddeoliad.

(3) Os oes gan P fwy nag un cyfrif aelod actif, caniateir arfer yr opsiwn o ran-ymddeoliad mewn cysylltiad â rhai neu'r cwbl o gyfrifon cyfrif aelod actif P.

(4) Ni chaniateir arfer yr opsiwn o ran-ymddeoliad ac eithrio drwy roi hysbysiad i'r rheolwr cynllun ("hysbysiad optio"), yn y ffurf sy'n ofynnol gan y rheolwr cynllun a rhaid ei roi cyn y dyddiad yr hawlir y taliad cyntaf o'r pensiwn ymddeol arno.

(5) At ddibenion y Rheoliadau hyn, ystyrir bod yr opsiwn o ran-ymddeoliad wedi ei arfer ar ba bynnag ddyddiad a gytunir rhwng yr aelod a'r rheolwr cynllun.

(6) Rhaid i'r hysbysiad optio bennu bod P yn hawlio'r cyfan o bensiwn cronedig P mewn cysylltiad â'i gyfrif aelod actif, mewn cysylltiad â gwasanaeth cynharach yn y gyflogaeth gynllun honno.

Cyfradd flynyddol pensiwn ymddeol ar ôl arfer opsiwn o ran-ymddeoliad

73.—(1) Mae hawl gan aelod actif o'r cynllun hwn (P) sy'n arfer yr opsiwn o ran-ymddeoliad i gael taliad ar unwaith o bensiwn ymddeol.

(2) Cyfrifir y gyfradd flynyddol o bensiwn ymddeol o dan reoliad 68 (cyfradd flynyddol pensiwn ymddeol (aelodau actif)) drwy gyfeirio at swm y pensiwn enilledig ymddeol a swm y pensiwn ychwanegol ymddeol (os oes un) o'r disgrifiad hwnnw a bennir yng nghyfrif ymddeol yr aelod.

(2) An employer may only pay a retirement pension of the amount mentioned in paragraph (1) in the circumstances mentioned in that paragraph where the employer determines that a retirement pension awarded on that basis would assist the economical, effective and efficient management of its functions having taken account of the costs likely to be incurred in the particular case.

CHAPTER 3

Partial retirement benefits

Exercise of partial retirement option

72.—(1) This regulation applies to an active member of this scheme (P) in relation to a continuous period of pensionable service who—

(a) is aged at least 55; and

(b) would be entitled to the immediate payment of a retirement pension in relation to that period of service if P left pensionable service and claimed payment of the pension.

(2) P may opt to continue in pensionable service under this scheme but claim payment of the whole of P's accrued pension in relation to the pensionable service rendered before the exercise of the partial retirement option.

(3) Where P has more than one active member's account, the partial retirement option may be exercised in respect of some or all of P's active member's accounts.

(4) The partial retirement option may only be exercised by notice to the scheme manager ("option notice") in a form required by the scheme manager and must be given before the date on which the first payment of the retirement pension is claimed.

(5) For the purpose of these Regulations, the partial retirement option is taken to be exercised on such date as the member and the scheme manager agree.

(6) An option notice must specify that P claims the whole of P's pension accrued in respect of P's active member's account in respect of the earlier service of that scheme employment.

Annual rate of retirement pension after exercise of partial retirement option

73.—(1) An active member of this scheme (P) who exercises the partial retirement option is entitled to the immediate payment of a retirement pension.

(2) The annual rate of a retirement pension is calculated under regulation 68 (annual rate of retirement pension (active members)) by reference to the amount of that description of retirement earned pension and retirement added pension (if any) specified in the member's retirement account.

(3) At ddibenion y Rhan hon, pan fo aelod yn arfer yr opsiwn o ran-ymddeoliad, diwrnod olaf gwasanaeth pensiynadwy'r aelod hwnnw, mewn perthynas â'r gwasanaeth pensiynadwy yr arferir yr opsiwn o ran-ymddeoliad mewn cysylltiad ag ef, yw'r diwrnod yr arferodd yr aelod yr opsiwn o ran-ymddeoliad.

(3) For the purposes of this Part, where a member exercises the partial retirement option, that member's last day of pensionable service in relation to the pensionable service in respect of which the partial retirement option is exercised is the day on which the member exercised the partial retirement option.

PENNOD 4

Buddion afiechyd

CHAPTER 4

Ill-health benefits

Hawlogaeth i bensiwn afiechyd haen isaf a phensiwn afiechyd haen uchaf

74.—(1) Mae gan aelod actif nad yw wedi cyrraedd yr oedran pensiwn arferol yr hawl i gael taliad ar unwaith o bensiwn afiechyd haen isaf os bodlonir yr amodau canlynol—

(a) ym marn YMCA, mae'r aelod yn analluog i gyflawni unrhyw un o swyddogaethau'r rôl y cyflogwyd yr aelod ynddi ddiwethaf, oherwydd anallu meddyliol neu gorfforol, a bydd yr anallu hwnnw'n parhau nes cyrraedd oedran pensiwn arferol;

(b) mae gan yr aelod dri mis o leiaf o wasanaeth cymwys;

(c) o ganlyniad i'r anallu yn is-baragraff (a), mae'r aelod wedi ei ddiswyddo neu wedi ymddeol o gyflogaeth gynllun; a

(d) mae'r rheolwr cynllun wedi penderfynu bod hawl gan yr aelod i gael pensiwn afiechyd haen isaf.

(2) Mae hawl gan aelod actif i gael taliad ar unwaith o bensiwn afiechyd haen uchaf yn ychwanegol at y pensiwn afiechyd haen isaf os bodlonir yr amodau canlynol—

(a) ym marn YMCA, mae'r aelod yn analluog i ymgymryd â chyflogaeth reolaidd, oherwydd anallu meddyliol neu gorfforol, a bydd yr anallu hwnnw'n parhau nes cyrraedd oedran pensiwn arferol;

(b) mae gan yr aelod bum mlynedd o leiaf o wasanaeth cymwys;

(c) mae hawl gan yr aelod i gael pensiwn afiechyd haen isaf; a

(d) mae'r rheolwr cynllun wedi penderfynu bod hawl gan yr aelod i gael pensiwn afiechyd haen uchaf.

(3) Yn y Rheoliadau hyn, ystyr "dyfarniad afiechyd" ("*ill-health award*") yw hawlogaeth i gael taliad o bensiwn afiechyd haen isaf, ac mewn achosion pan fo gan yr aelod hawlogaeth hefyd i gael pensiwn afiechyd haen uchaf, y taliad o bensiwn afiechyd haen uchaf.

Entitlement to lower tier ill-health pension and higher tier ill-health pension

74.—(1) An active member who has not reached normal pension age is entitled to immediate payment of a lower tier ill-health pension if the following conditions are satisfied—

(a) in the opinion of an IQMP, the member is incapable of performing any of the duties of the role in which the member was last employed because of incapacity of mind or body and this incapacity will continue until normal pension age;

(b) the member has at least three months of qualifying service;

(c) consequent on the incapacity in sub-paragraph (a), the member has been dismissed or retired from scheme employment; and

(d) the scheme manager has determined that the member is entitled to a lower tier ill-health pension.

(2) An active member is entitled to immediate payment of a higher tier ill-health pension in addition to the lower tier ill-health pension if the following conditions are satisfied—

(a) in the opinion of an IQMP, the member is incapable of undertaking regular employment because of incapacity of mind or body and this incapacity will continue until normal pension age;

(b) the member has at least five years of qualifying service;

(c) the member is entitled to a lower tier ill-health pension; and

(d) the scheme manager has determined that the member is entitled to a higher tier ill-health pension.

(3) In these Regulations, an "ill-health award" ("*dyfarniad afiechyd*") means the entitlement to the payment of a lower tier ill-health pension, and in cases where the member is also entitled to a higher tier ill-health pension, the payment of a higher tier ill-health pension.

Cyfradd flynyddol dyfarniadau afiechyd

75.—(1) Cyfrifir y gyfradd flynyddol o bensiwn afiechyd haen isaf ac o bensiwn afiechyd haen uchaf fel a ganlyn.

(2) Cyfrifir y gyfradd flynyddol o bensiwn afiechyd haen isaf yn unol â pharagraffau (2)(a) a (2)(b) o reoliad 68 (cyfradd flynyddol pensiwn ymddeol (aelodau actif)), ond heb ddidynnu'r gostyngiad talu'n gynnar.

(3) Cyfrifir y gyfradd flynyddol o bensiwn afiechyd haen uchaf drwy luosi swm blynyddol y pensiwn addasedig afiechyd haen isaf gan gyfnod tybiedig gwasanaeth pensiynadwy yr aelod a chyda 2%.

(4) Yn y rheoliad hwn—

ystyr "cyfnod tybiedig gwasanaeth pensiynadwy yr aelod" ("*the member's assumed period of pensionable service*") yw'r cyfnod, a fynegir mewn blynyddoedd—

(a) sy'n dechrau gyda'r diwrnod ar ôl i'r cyfnod di-dor o wasanaeth pensiynadwy yr aelod ddod i ben, ac

(b) yn diweddu gyda'r diwrnod cyn y diwrnod y byddai'r aelod yn cyrraedd yr oedran pensiwn arferol;

ystyr "y pensiwn addasedig afiechyd haen isaf" ("*the adjusted lower tier ill-health pension*") yw'r pensiwn afiechyd haen isaf sy'n daladwy o dan baragraff (2) a gyfrifir—

(a) heb gynnwys swm hafal i unrhyw bensiwn ychwanegol a gynhwyswyd wrth gyfrifo'r pensiwn afiechyd haen isaf, a

(b) heb y didyniad ar gyfer unrhyw gyfran o'r pensiwn a gymudwyd.

Talu pensiwn ymddeol yn gynnar i aelod gohiriedig

76. Mae gan aelod gohiriedig nad yw wedi cyrraedd yr oedran pensiwn gohiriedig yr hawl i gael taliad ar unwaith o bensiwn ymddeol a gyfrifir o dan reoliad 69 (cyfradd flynyddol pensiwn ymddeol (aelodau gohiriedig)) heb ddidynnu'r gostyngiad talu'n gynnar os bodlonir yr amodau canlynol—

(a) mae'r aelod wedi rhoi hysbysiad ysgrifenedig i'r rheolwr cynllun yn gofyn am dalu'r pensiwn cyn yr oedran pensiwn gohiriedig;

(b) ym marn YMCA, mae'r aelod yn analluog i ymgymryd â chyflogaeth reolaidd, oherwydd gwendid meddyliol neu gorfforol, a bydd yr anallu hwnnw'n parhau nes cyrraedd oedran pensiwn gohiriedig; ac

Annual rate of ill-health awards

75.—(1) The annual rate of a lower tier ill-health pension and of a higher tier ill-health pension is calculated as follows.

(2) The annual rate of a lower tier ill-health pension is calculated in accordance with paragraphs (2)(a) and (2)(b) of regulation 68 (annual rate of retirement pension (active members)), but without subtracting the early payment reduction.

(3) The annual rate of a higher tier ill-health pension is calculated by multiplying the annual amount of the adjusted lower tier ill-health pension by the member's assumed period of pensionable service and by 2%.

(4) In this regulation—

"the adjusted lower tier ill-health pension" ("*y pensiwn addasedig afiechyd haen isaf*") means the lower tier ill-health pension payable under paragraph (2) calculated—

(a) excluding an amount equal to the amount of any added pension which had been included in the calculation of the lower tier ill-health pension, and

(b) without the deduction for any commuted portion of the pension;

"the member's assumed period of pensionable service" ("*cyfnod tybiedig gwasanaeth pensiynadwy yr aelod*") means the period expressed in years—

(a) beginning with the day after the member's continuous period of pensionable service ceased, and

(b) ending with the day before the day on which the member would reach normal pension age.

Early payment of retirement pension to deferred member

76. A deferred member who has not reached deferred pension age is entitled to immediate payment of a retirement pension calculated under regulation 69 (annual rate of retirement pension (deferred members)) without subtracting the early payment reduction if the following conditions are satisfied—

(a) the member has given written notice to the scheme manager requesting payment of the pension before deferred pension age;

(b) in the opinion of the IQMP, the member is incapable of undertaking regular employment because of infirmity of mind or body and this incapacity will continue until deferred pension age; and

(c) mae'r rheolwr cynllun wedi penderfynu bod hawl gan yr aelod i gael taliad cynnar o'r pensiwn ymddeol.

Adolygu dyfarniad afiechyd neu daliad o bensiwn ymddeol yn gynnar

77.—(1) Pan fo aelod (P) wedi bod yn cael dyfarniad afiechyd o dan reoliad 74 (hawlogaeth i bensiwn afiechyd haen isaf a phensiwn afiechyd haen uchaf) am gyfnod llai na 10 mlynedd, ac yntau o dan oedran pensiwn gohiriedig, rhaid i'r rheolwr cynllun ystyried, fesul pa bynnag ysbeidiau yr ystyria'n briodol, a yw P wedi dod yn alluog—

(a) i gyflawni unrhyw ddyletswydd sy'n briodol i'r rôl yr ymddeolodd P ohoni ar sail afiechyd; a

(b) i ymgymryd â chyflogaeth reolaidd.

(2) Mewn perthynas ag aelod-bensiynwr a oedd yn aelod gohiriedig ac y telir ei bensiwn yn gynnar yn rhinwedd rheoliad 76 (talu pensiwn ymddeol yn gynnar i aelod gohiriedig), rhaid i'r rheolwr cynllun ystyried, fesul pa bynnag ysbeidiau yr ystyria'n briodol cyn bo'r aelod wedi cyrraedd oedran pensiwn gohiriedig, a yw'r aelod hwnnw wedi dod yn alluog i ymgymryd â chyflogaeth reolaidd.

Canlyniadau adolygu

78.—(1) Os yw'r rheolwr cynllun, yn dilyn ystyriaeth fel y crybwyllir yn rheoliad 77(1) (adolygu dyfarniad afiechyd neu dalu pensiwn ymddeol yn gynnar), yn penderfynu(**1**) bod aelod (U), sy'n cael pensiwn afiechyd haen uchaf, wedi dod yn alluog i ymgymryd â chyflogaeth reolaidd, rhaid terfynu hawlogaeth U i gael y pensiwn hwnnw gydag effaith ar unwaith.

(2) Yn ddarostyngedig i baragraff (3), rhaid parhau i dalu pensiwn afiechyd haen isaf i aelod y mae ei hawlogaeth i gael pensiwn afiechyd haen uchaf yn dod i ben.

(3) Os yw—

(a) rheolwr cynllun, yn dilyn ystyriaeth fel y crybwyllir yn rheoliad 77(1) (adolygu dyfarniad afiechyd neu dalu pensiwn ymddeol yn gynnar), yn penderfynu bod aelod (I) sy'n cael pensiwn afiechyd haen isaf wedi dod yn alluog i gyflawni'r dyletswyddau sy'n briodol i'r rôl yr ymddeolodd I ohoni ar sail afiechyd; a

(**1**) Mae rheoliad 162 (rôl YMCA mewn penderfyniadau gan y rheolwr cynllun) yn ei gwneud yn ofynnol bod rheolwr y cynllun yn cael barn YMCA mewn rhai amgylchiadau.

(c) the scheme manager has determined that the member is entitled to the early payment of the retirement pension.

Review of ill-health award or early payment of retirement pension

77.—(1) Where a member (P) has been in receipt of an ill-health award under regulation 74 (entitlement to lower tier ill-health pension and higher tier ill-health pension) for less than 10 years and is under deferred pension age, the scheme manager must consider, at such intervals as it considers appropriate, whether P has become capable—

(a) of performing any duty appropriate to the role from which P retired on grounds of ill-health; and

(b) of undertaking regular employment.

(2) The scheme manager must consider, at such intervals as it considers appropriate before the member reaches deferred pension age, in relation to a pensioner member who was a deferred member and whose pension is being paid early by virtue of regulation 76 (early payment of retirement pension to a deferred member), whether the member has become capable of undertaking regular employment.

Consequences of review

78.—(1) If, on such consideration as is mentioned in regulation 77(1) (review of ill-health award or early payment of retirement pension), the scheme manager determines(**1**) that a member (H) who is in receipt of a higher tier ill-health pension has become capable of undertaking regular employment, H's entitlement to that pension must cease with immediate effect.

(2) Subject to paragraph (3), a lower tier ill-health pension must continue to be paid to a member who ceases to be entitled to a higher tier ill-health pension.

(3) If—

(a) on such consideration as is mentioned in regulation 77(1) (review of ill-health award or early payment of retirement pension), the scheme manager determines that a member (L) who is in receipt of a lower tier ill-health pension has become capable of performing the duties appropriate to the role from which L retired on grounds of ill-health; and

(**1**) Regulation 162 (role of IQMP in determinations by the scheme manager) requires the scheme manager to obtain the opinion of the IQMP in certain circumstances.

(b) y cyflogwr yn cynnig cyflogaeth i I yn y rôl honno ("cynnig paragraff (3)(b)"),

rhaid terfynu hawlogaeth I i gael pensiwn afiechyd haen isaf, pa un ai yw I yn derbyn neu'n gwrthod y cynnig.

(4) Rhaid i'r cyflogwr, drwy hysbysiad ysgrifenedig, wrth wneud cynnig paragraff (3)(b), bennu dyddiad pan ystyrir y bydd yr aelod wedi gwrthod y cynnig os na fydd yr aelod wedi derbyn y cynnig erbyn y dyddiad hwnnw.

(5) Mae pensiwn afiechyd haen isaf yn peidio â bod yn daladwy ar y cynharaf o'r dyddiadau canlynol—

(a) y dyddiad pan fo aelod yn ailddechrau mewn cyflogaeth gynllun yn unol â chynnig paragraff (3)(b);

(b) unrhyw ddyddiad ar ôl gwneud y cynnig paragraff (3)(b) a bennir gan y cyflogwr drwy hysbysiad o dan baragraff (4).

(6) Pan fo aelod yn gwrthod cynnig paragraff (3)(b), rhaid sefydlu cyfrif aelod gohiriedig o dan reoliad 57 (cyfrif a sefydlir wedi i ddyfarniad afiechyd beidio â bod yn daladwy) o'r dyddiad y bydd dyfarniad afiechyd yr aelod hwnnw yn peidio â bod yn daladwy yn unol â pharagraff (5).

(7) Os yw'r rheolwr cynllun, yn dilyn ystyriaeth fel y crybwyllir yn rheoliad 77(2) (adolygu dyfarniad afiechyd neu dalu pensiwn ymddeol yn gynnar), wedi cael barn gan yr YMCA sy'n datgan bod yr aelod gohiriedig (P), y telir ei bensiwn gohiriedig yn gynnar, wedi dod yn alluog i ymgymryd â chyflogaeth reolaidd, rhaid terfynu hawlogaeth P i gael taliad cynnar o'r pensiwn gydag effaith ar unwaith a rhaid addasu cyfrif aelod gohiriedig P o dan reoliad 56 (addasu cyfrif wedi i daliadau cynnar o bensiwn gohiriedig ddod i ben).

(b) the employer makes L an offer of employment in that role ("a paragraph (3)(b) offer"),

L's entitlement to a lower tier ill-health pension must cease whether L accepts or declines the offer.

(4) The employer must by written notice when making a paragraph (3)(b) offer specify a date by which, if the member has not accepted the offer, the member will be taken to have declined it.

(5) A lower tier ill-health pension ceases to be payable on the earlier of the following dates—

(a) the date on which a member re-enters scheme employment pursuant to a paragraph (3)(b) offer;

(b) such date after the paragraph (3)(b) offer is made as the employer specifies by notice under paragraph (4).

(6) Where a member declines a paragraph (3)(b) offer, a deferred member's account must be established under regulation 57 (account established after ill-health award ceases to be payable) from the date on which that member's ill-health award ceases to be payable in accordance with paragraph (5).

(7) If, on such consideration as is mentioned in regulation 77(2) (review of ill-health award or early payment of retirement pension), the scheme manager has obtained the IQMP's opinion which states that a deferred member (P) whose deferred pension is being paid early has become capable of undertaking regular employment, P's entitlement to early payment of the pension must cease with immediate effect and P's deferred member's account must be adjusted under regulation 56 (adjustment of account after early payment of deferred pension ceases).

PENNOD 5

Talu buddion ymddeol

Cychwyn pensiynau

79.—(1) Mae'r cyfnod cyntaf y bydd unrhyw bensiwn ymddeol yn daladwy ar unwaith ar ei gyfer wedi i aelod adael cyflogaeth gynllun yn dechrau gyda'r diwrnod ar ôl y dyddiad pan fo'r gyflogaeth yn dod i ben, os yw'r aelod wedi gwneud hawliad cyn y dyddiad hwnnw am i'r pensiwn gael ei dalu.

(2) Os nad yw aelod actif wedi hawlio taliad o'r pensiwn ymddeol cyn y dyddiad y mae'r aelod hwnnw'n ymddeol, bydd y pensiwn yn daladwy o ddyddiad ar ôl i'r hawliad gael ei wneud, ac yr hysbysir yr aelod ohono gan y rheolwr cynllun.

CHAPTER 5

Payment of retirement benefits

Commencement of pensions

79.—(1) The first period for which any retirement pension is payable immediately on a member leaving scheme employment begins with the day after the date on which the employment ends where the member has made a claim for payment of that pension before that date.

(2) Where an active member has not claimed payment of the retirement pension before the date on which that member retires, the pension will be payable from a date after the claim is made as notified to the member by the scheme manager.

(3) Os yw cyflogwr aelod actif wedi penderfynu talu pensiwn ymddeol i'r aelod hwnnw cyn bo'r aelod yn cyrraedd oedran pensiwn arferol, gan arfer y pwerau yn rheoliad 71 (ymddeoliad a ysgogir gan gyflogwr), mae'r cyfnod cyntaf y bydd y pensiwn yn daladwy ar ei gyfer yn dechrau ar y diwrnod ar ôl i gyflogaeth gynllun yr aelod ddod i ben.

(4) Yn achos aelod actif sy'n arfer yr opsiwn o ran-ymddeoliad, mae'r cyfnod cyntaf y bydd unrhyw bensiwn ymddeol yn daladwy ar ei gyfer yn dechrau ar y diwrnod ar ôl y dyddiad yr arferir yr opsiwn o ran-ymddeoliad.

(5) Yn achos aelod gohiriedig, mae'r cyfnod cyntaf y bydd taliad unrhyw bensiwn ymddeol yn daladwy ar ei gyfer yn dechrau ar y dyddiad y mae'r aelod yn cyrraedd oedran pensiwn gohiriedig pan fo aelod gohiriedig wedi hawlio taliad pensiwn ymddeol, oni fydd yr aelod hwnnw wedi rhoi hysbysiad ysgrifenedig i'r rheolwr cynllun cyn bo'r aelod yn cyrraedd oedran pensiwn gohiriedig, yn gofyn am—

(a) gohirio talu, drwy hysbysiad a roddir i'r rheolwr cynllun fwy na thri mis cyn bo'r aelod yn cyrraedd oedran pensiwn gohiriedig, ac ni chaiff unrhyw ohiriad o'r fath ymestyn y tu hwnt i'r diwrnod cyn 75fed pen-blwydd yr aelod;

(b) talu'r pensiwn ymddeol cyn yr oedran pensiwn gohiriedig ar ôl didynnu'r gostyngiad talu'n gynnar; neu

(c) talu'r pensiwn ymddeol yn gynnar o dan reoliad 76 (talu pensiwn ymddeol yn gynnar i aelod gohiriedig) ar sail anallu i ymgymryd â chyflogaeth reolaidd.

(6) Pan fo hawl gan aelod actif i gael pensiwn afiechyd haen isaf neu bensiwn afiechyd haen uchaf o dan reoliad 74 (hawlogaeth i bensiwn afiechyd haen isaf a phensiwn afiechyd haen uchaf), mae'r cyfnod cyntaf y bydd pensiwn ymddeol yn daladwy ar ei gyfer yn dechrau ar y diwrnod ar ôl y dyddiad y terfynir cyflogaeth gynllun yr aelod.

(7) Pan fo aelod gohiriedig wedi gwneud cais y cyfeirir ato ym mharagraff (5)(c) a phan fo hawl ganddo i gael y taliad cynnar o bensiwn ymddeol, mae'r cyfnod cyntaf y bydd y pensiwn yn daladwy ar ei gyfer yn dechrau ar y dyddiad y daeth yr aelod gohiriedig yn analluog i ymgymryd â chyflogaeth reolaidd oherwydd gwendid corfforol neu feddyliol, neu, os na ellir canfod y dyddiad hwnnw, o ddyddiad y cais gan yr aelod i'r rheolwr cynllun am daliad cynnar.

(8) Pan fo aelod gohiriedig wedi gwneud cais y cyfeirir ato ym mharagraff (5)(a) neu (b), bydd y pensiwn yn daladwy o ddyddiad ar ôl gwneud yr hawliad amdano, yr hysbysir yr aelod ohono gan y rheolwr cynllun.

(3) Where the employer of an active member has determined to pay that member a retirement pension before the member reaches normal pension age in exercise of the powers in regulation 71 (employer initiated retirement), the first period for which the pension is payable begins on the day after the member's scheme employment ends.

(4) In the case of an active member who exercises the partial retirement option, the first period for which any retirement pension is payable begins on the day after the date on which the partial retirement option is exercised.

(5) In the case of a deferred member, the first period for which payment of a retirement pension is to be payable begins on the date on which the member attains deferred pension age where a deferred member has claimed payment of a retirement pension unless that member gives written notice to the scheme manager before the member reaches deferred pension age requesting—

(a) to defer payment by notice given to the scheme manager more than three months before the member reaches deferred pension age and any such deferral must not extend beyond the day before the member's 75th birthday;

(b) payment of the retirement pension before deferred pension age after the deduction of the early payment reduction; or

(c) early payment of the retirement pension under regulation 76 (early payment of retirement pension to deferred member) on grounds of incapacity to undertake regular employment.

(6) Where an active member is entitled to a lower tier ill-health pension or a higher tier ill-health pension under regulation 74 (entitlement to lower tier ill-health pension and higher tier ill-health pension), the first period for which a retirement pension is payable begins on the day after the date on which the member's scheme employment is terminated.

(7) Where a deferred member has made a request referred to in paragraph (5)(c) and is entitled to the early payment of a retirement pension, the first period for which the pension is payable begins on the date on which the deferred member became incapable of undertaking regular employment because of infirmity of body or mind or, if that date cannot be ascertained, from the date of the member's request to the scheme manager for early payment.

(8) Where a deferred member has made a request referred to in paragraph (5)(a) or (b), the pension will be payable from a date after the claim for it is made which is notified to the member by the scheme manager.

Opsiwn i gymudo rhan o'r pensiwn

80.—(1) Caiff aelod sy'n cael yr hawl i daliad ar unwaith o bensiwn ymddeol arfer opsiwn o dan y rheoliad hwn i gyfnewid rhan o'r pensiwn am gyfandaliad.

(2) Ni chaniateir arfer yr opsiwn ac eithrio—

(a) drwy hysbysiad ysgrifenedig i'r rheolwr cynllun, sy'n nodi'r swm sydd i'w gymudo; a

(b) cyn gwneud y taliad cyntaf o'r pensiwn.

(3) Os yw aelod yn arfer yr opsiwn, am bob £1 o ostyngiad i swm cyfradd flynyddol pensiwn yr aelod, rhaid talu i'r aelod gyfandaliad o £12.

(4) Ni chaiff aelod gyfnewid am gyfandaliad o dan y rheoliad hwn fwy na'r lleiaf o'r canlynol—

(a) 25% o'r pensiwn; a

(b) cyfran o'r pensiwn i'r graddau y byddai'n achosi taliad trethadwy o'r cynllun(**1**) at ddibenion Rhan 4 o DC 2004.

(5) Nid yw'r rheoliad hwn yn gymwys i bensiwn sy'n deillio o hawliau credyd pensiwn os oedd yr aelod â debyd pensiwn, y mae'r pensiwn yn deillio o'i hawliau, wedi cael cyfandaliad o dan y rheoliad hwn cyn y dyddiad yr oedd y gorchymyn rhannu pensiwn yn cael effaith.

(6) Nid yw'r rheoliad hwn yn gymwys i bensiwn afiechyd haen uchaf.

Option to commute part of pension

80.—(1) A member who becomes entitled to the immediate payment of a retirement pension may opt under this regulation to exchange part of the pension for a lump sum.

(2) The option may only be exercised—

(a) by written notice to the scheme manager which sets out the amount to be commuted; and

(b) before the first payment of the pension is made.

(3) If a member exercises the option, for every £1 by which the amount of the member's annual rate of pension is reduced, the member must be paid a lump sum of £12.

(4) A member may not exchange for a lump sum under this regulation more than the lesser of—

(a) 25% of the pension; and

(b) the proportion of the pension to the extent that it would result in a scheme chargeable payment(**1**) for the purposes of Part 4 of FA 2004.

(5) This regulation does not apply to a pension derived from pension credit rights if the pension debit member from whose rights the pension is derived has received a lump sum under this regulation before the date on which the pension sharing order takes effect.

(6) This regulation does not apply to a higher tier ill-health pension.

PENNOD 6

Dyrannu rhan o bensiwn

Dewisiad i ddyrannu

81.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â phensiwn enilledig ymddeol sy'n daladwy mewn cysylltiad â gwasanaeth pensiynadwy aelod o dan y cynllun hwn.

(2) Caiff aelod actif neu aelod gohiriedig wneud dewisiad i ddyrannu i fuddiolwr hyd at draean o swm y gyfradd flynyddol o unrhyw rai o bensiynau ymddeol yr aelod o dan y cynllun hwn ("dewisiad i ddyrannu").

(3) Rhaid i fuddiolwr dewisiad i ddyrannu, pan wneir y dewisiad i ddyrannu, fod yn un o'r personau canlynol—

CHAPTER 6

Allocation of part of pension

Allocation election

81.—(1) This regulation applies in relation to a retirement earned pension payable in respect of a member's pensionable service under this scheme.

(2) An active member or deferred member may elect to allocate up to a third of the amount of the annual rate of any of the member's retirement pensions under this scheme to a beneficiary ("allocation election").

(3) The beneficiary of an allocation election must be a person who, when the allocation election is made, is—

(**1**) Gweler adran 241 o Ddeddf Cyllid 2004. Diwygiwyd yr adran honno gan Ddeddf Cyllid 2011 (p. 11), Atodlen 16, paragraff 74 a chan Ddeddf Cyllid 2006 (p. 25), Atodlen 21, paragraff 9.

(**1**) See section 241 of the Finance Act 2004. That section was amended by the Finance Act 2011 (c. 11), Schedule 16, paragraph 74 and the Finance Act 2006 (c. 25), Schedule 21, paragraph 9.

(a) priod, partner sifil neu bartner sy'n cyd-fyw â'r aelod actif neu'r aelod gohiriedig; neu

(b) gyda chydsyniad y rheolwr cynllun, unrhyw berson arall sy'n dibynnu'n sylweddol ar yr aelod actif neu'r aelod gohiriedig, ac a fuasai'n ddibynnydd yr aelod at ddibenion paragraff 15(2) neu (3) o Atodlen 28 i DC 2004 pe buasai farw'r aelod pan wnaed y dewisiad(**1**).

(4) Caiff y rheolwr cynllun atal cydsyniad o dan baragraff (3)(b) os nad yw'r rheolwr cynllun wedi ei fodloni bod y person yn dibynnu'n sylweddol ar yr aelod actif neu'r aelod gohiriedig.

(5) Os yw aelod yn dymuno dyrannu pensiwn i fwy nag un buddiolwr, rhaid gwneud dewisiad ar wahân mewn cysylltiad â phob buddiolwr.

(6) Pan ddyrennir mwy nag un gyfran o bensiwn penodol, ni chaiff cyfanswm y cyfrannau o'r pensiwn hwnnw a ddyrennir fod yn fwy na'r gyfran o'r pensiwn hwnnw a gedwir gan yr aelod actif neu'r aelod gohiriedig.

(7) Os yw paragraff (8) yn gymwys, ni chaiff yr aelod wneud dewisiad i ddyrannu dim mwy na'r gyfran o'r pensiwn (ar ôl didynnu swm y cymudiad, os oes un) sydd dros ben y lleiafswm gwarantedig, wedi ei lluosi gyda pha bynnag ffactor a ddynodir ar gyfer person o ddisgrifiad yr aelod mewn tablau a ddarperir gan y rheolwr cynllun, gan roi sylw i ganllawiau actiwaraidd.

(8) Mae'r paragraff hwn yn gymwys os oes gan yr aelod leiafswm gwarantedig o dan adran 14 (lleiafswm gwarantedig enillydd) o DCauP 1993 mewn perthynas â'r cyfan neu ran o bensiwn, o ganlyniad i dderbyn gan y cynllun daliad trosglwyddo oddi wrth gynllun pensiwn arall, yr oedd gan yr aelod leiafswm gwarantedig o'r fath mewn cysylltiad ag ef.

Gwneud dewisiad i ddyrannu

82.—(1) Pan fo aelod actif neu aelod gohiriedig yn bwriadu gwneud dewisiad i ddyrannu, rhaid i'r aelod hwnnw—

(a) bodloni'r rheolwr cynllun fod yr aelod hwnnw mewn iechyd da a bod ganddo ddisgwyliad oes normal; a

(b) rhoi i'r rheolwr cynllun hysbysiad ysgrifenedig o ddewisiad i ddyrannu ("hysbysiad dyrannu"), gan bennu—

(i) y gyfran,

(ii) enw a chyfeiriad y buddiolwr,

(**1**) Diwygiwyd paragraff 15(2) gan baragraff 26 o Atodlen 10 i Ddeddf Cyllid 2005 (p. 7) ac O.S. 2005/3229.

(a) the spouse, civil partner or cohabiting partner of the active member or the deferred member; or

(b) with the consent of the scheme manager, any other person who is substantially dependent on the active member or deferred member and would have been a dependant of the member for the purposes of paragraph 15(2) or (3) of Schedule 28 to FA 2004 if the member had died when the election was made(**1**).

(4) The scheme manager may withhold consent under paragraph (3)(b) if the scheme manager is not satisfied that the person is substantially dependent on the active member or deferred member.

(5) If a member wishes to allocate pension to more than one beneficiary, a separate election must be made in respect of each beneficiary.

(6) Where more than one portion of a particular pension is allocated, the total of the allocated portions of that pension must not exceed the portion of that pension retained by the active or deferred member.

(7) If paragraph (8) applies, the member may elect to allocate only so much of the pension (after subtracting the commutation amount, if any) that exceeds the guaranteed minimum, multiplied by such factor as is indicated for a person of the member's description in tables provided by the scheme manager having regard to actuarial guidance.

(8) This paragraph applies if the member has a guaranteed minimum under section 14 (earner's guaranteed minimum) of PSA 1993 in relation to the whole or part of a pension as a result of receipt by this scheme of a transfer payment from another pension scheme in respect of which the member had such a guaranteed minimum.

Making an allocation election

82.—(1) When an active or deferred member intends to make an allocation election, that member must—

(a) satisfy the scheme manager that that member is in good health and has a normal life expectancy; and

(b) give the scheme manager written notice of an allocation election (a "notice of allocation") specifying—

(i) the portion,

(ii) the name and address of the beneficiary,

(**1**) Paragraph 15(2) was amended by the Finance Act 2005 (c. 7), Schedule 10, paragraph 26 and S.I. 2005/3229.

(iii) rhyw'r buddiolwr, a

(iv) dyddiad geni'r buddiolwr.

(2) Rhaid rhoi'r hysbysiad dyrannu, y caniateir ei anfon drwy'r post, ddim cynharach na dau fis cyn bo'r pensiwn yn dod yn daladwy.

(3) Pan fo'r gofynion ym mharagraffau (1) a (2) wedi eu bodloni, rhaid i'r rheolwr cynllun hysbysu'r aelod ei fod wedi derbyn y dewisiad i ddyrannu.

(4) Ni fydd dewisiad yn cael effaith os bydd farw'r aelod neu'r buddiolwr cyn i'r hysbysiad dyrannu gael effaith.

Effaith dyrannu

83.—(1) Os bydd dewisiad i ddyrannu yn cael effaith, bydd pensiwn ymddeol yr aelod yn cael ei leihau yn unol â hynny.

(2) Os bydd hysbysiad dyrannu yn cael effaith, bydd yn gwneud hynny ar y diwrnod y daw'r pensiwn ymddeol yn daladwy.

(3) Pan fo hysbysiad dyrannu wedi cael effaith, a'r buddiolwr yn goroesi'r pensiynwr, rhaid i'r rheolwr cynllun, o ddyddiad marwolaeth y pensiynwr, dalu pensiwn i'r buddiolwr am ei oes ("pensiwn dyranedig") o swm a benderfynir gan y rheolwr cynllun yn unol â chanllawiau actiwaraidd sydd mewn grym pan fo'r hysbysiad dyrannu yn cael effaith, gan roi sylw i—

(a) y swm o'r pensiwn ymddeol a ddyrannwyd o dan y dewisiad; a

(b) oedran y pensiynwr a'r buddiolwr ar y dyddiad pan roddwyd yr hysbysiad dyrannu.

(4) Pan fo mwy nag un gyfran o bensiwn ymddeol yr aelod wedi eu dyrannu, rhaid gwneud cyfrifiad ar wahân o dan baragraff (3) mewn cysylltiad â phob dyraniad.

(5) Pan fo—

(a) hysbysiad dyrannu wedi cael effaith; a

(b) y buddiolwr yn marw cyn y pensiynwr,

rhaid i'r rheolwr cynllun dalu i'r pensiynwr (gan wahaniaethu rhwng y taliad ac unrhyw bensiwn arall sy'n daladwy i'r pensiynwr hwnnw) y gyfran o'r pensiwn sydd wedi ei dyrannu ("y pensiwn dyraniad methedig").

(6) Pan fo paragraff (5) yn gymwys, nid oes hawl gan y pensiynwr i adennill oddi wrth y rheolwr cynllun swm unrhyw ddidyniad a wnaed mewn cysylltiad â'r pensiwn dyraniad methedig.

(7) Bydd dyraniad yn peidio â chael effaith at ddibenion y rheoliad hwn os byddai'n peri bod pensiwn yn cael ei dalu o dan y rheoliad hwn i fuddiolwr nad yw—

(iii) the sex of the beneficiary, and

(iv) the date of birth of the beneficiary.

(2) The notice of allocation, which may be sent by post, must be given not earlier than two months before the pension comes into payment.

(3) Where the requirements in paragraphs (1) and (2) have been satisfied, the scheme manager must notify the member that it has accepted the allocation election.

(4) An election has no effect if the member or the beneficiary dies before the notice of allocation takes effect.

Effect of allocation

83.—(1) If an allocation election takes effect, the member's retirement pension is reduced accordingly.

(2) If a notice of allocation takes effect, it does so on the day on which the retirement pension comes into payment.

(3) Where a notice of allocation has taken effect, and the beneficiary survives the pensioner, the scheme manager must, from the date of the pensioner's death, pay the beneficiary a pension for life ("allocated pension") of an amount determined by the scheme manager in accordance with actuarial guidance in force when the notice of allocation takes effect, having regard to—

(a) the amount of retirement pension allocated under the election; and

(b) the age of the pensioner and beneficiary at the date when the notice of allocation was given.

(4) Where more than one portion of a member's retirement pension has been allocated, a separate calculation must be made under paragraph (3) in respect of each allocation.

(5) Where—

(a) a notice of allocation has taken effect; and

(b) the beneficiary pre-deceases the pensioner,

the scheme manager must pay to the pensioner (distinguishing it from any other pension payable to that pensioner) the portion of pension that had been allocated ("the failed allocation pension").

(6) Where paragraph (5) applies, the pensioner is not entitled to recover from the scheme manager the amount of any deduction made in respect of the failed allocation pension.

(7) An allocation ceases to have effect for the purposes of this regulation if it would result in a pension being paid under this regulation to a beneficiary who is neither—

(a) yn briod â'r aelod, yn bartner sifil i'r aelod nac yn bartner sy'n cyd-fyw â'r aelod ar—

(i) y dyddiad y caiff yr aelod yr hawl i gael y pensiwn, neu

(ii) pan fydd farw'r aelod; nac

(b) yn ddibynnydd yr aelod at ddibenion paragraff 15(2) neu (3) o Atodlen 28 i DC 2004 pan fydd farw'r aelod.

Addasu budd a ddyrannwyd

84.—(1) Caniateir addasu swm y pensiwn dyranedig sy'n daladwy i fuddiolwr dewisiad i ddyrannu, mewn modd sydd i'w benderfynu gan y rheolwr cynllun os—

(a) bydd farw'r aelod a wnaeth y dewisiad i ddyrannu ar ôl cyrraedd 75 mlwydd oed; a

(b) ar farwolaeth yr aelod, nad yw swm y pensiwn dyranedig sy'n daladwy i'r buddiolwr yn gymwys fel pensiwn cynllun dibynyddion o dan adran 167 (y rheolau buddion marwolaeth pensiwn) o DC 2004(**1**).

(2) Yn y rheoliad hwn, mae i "pensiwn dyranedig" ("*allocated pension*") yr un ystyr a roddir yn rheoliad 83(3) (effaith dyrannu).

(a) the member's spouse, civil partner or cohabiting partner on—

(i) the date on which the member becomes entitled to the pension, or

(ii) when the member dies; nor

(b) a dependant of the member for the purposes of paragraph 15(2) or (3) of Schedule 28 to FA 2004 when the member dies.

Adjustment of allocated benefit

84.—(1) The amount of allocated pension payable to the beneficiary of an allocation election may be adjusted in a manner determined by the scheme manager if—

(a) the member who made the allocation election dies after reaching the age of 75; and

(b) on the death of the member, the amount of allocated pension payable to the beneficiary does not qualify as a dependants' scheme pension under section 167 (the pension death benefit rules) of FA 2004(**1**).

(2) In this regulation, "allocated pension" ("*pensiwn dyranedig*") has the same meaning as that given in regulation 83(3) (effect of allocation).

RHAN 6

Buddion marwolaeth

PENNOD 1

Dehongli

Ystyr "partner sy'n goroesi"

85.—(1) At ddibenion y Rheoliadau hyn, mae person yn bartner sy'n goroesi mewn perthynas ag aelod os yw'r person hwnnw, ar ddyddiad marwolaeth yr aelod—

(a) yn briod â'r aelod neu'n bartner sifil i'r aelod;

(b) yn cyd-fyw â'r aelod ac—

(i) nad yw'n briod â'r aelod hwnnw nac mewn partneriaeth sifil â'r aelod hwnnw,

(ii) nad yw'n briod ag unrhyw berson arall nac yn bartner sifil i unrhyw berson arall,

(iii) gallai ymuno mewn priodas neu bartneriaeth sifil â'r aelod o dan gyfraith

PART 6

Death benefits

CHAPTER 1

Interpretation

Meaning of "surviving partner"

85.—(1) For the purposes of these Regulations, a person is a surviving partner in relation to a member if, at the date of the member's death, that person is—

(a) the spouse or civil partner of the member;

(b) cohabiting with the member and—

(i) is not married or in a civil partnership with that member,

(ii) is not the spouse or civil partner of any other person,

(iii) could enter into a marriage or civil partnership with the member under the

(**1**) Diwygiwyd adran 167 gan Ddeddf Cyllid 2007 (p. 11), Atodlen 20, paragraff 22; Deddf Cyllid 2011 (p. 11), Atodlen 16, paragraff 11 a Deddf Cyllid 2014 (p. 26), adran 41(2). Gweler hefyd Ran 2 o Atodlen 28 i Ddeddf Cyllid 2011, am ystyron yr ymadroddion a ddefnyddir yn adran 167.

(**1**) Section 167 was amended by the Finance Act 2007 (c. 11), Schedule 20, paragraph 22; the Finance Act 2011 (c. 11), Schedule 16, paragraph 11 and the Finance Act 2014 (c.26), section 41(2). See also Part 2 of Schedule 28 to the Finance Act 2011 for the meaning of expressions used in section 167.

Cymru a Lloegr ond nad yw wedi gwneud hynny,

(iv) yn ddibynnol yn ariannol ar yr aelod o'r cynllun, neu mewn cyflwr o gyd-ddibyniaeth ariannol gilyddol â'r aelod o'r cynllun, a

(v) mewn perthynas hirdymor â'r aelod o'r cynllun.

(2) Ym mharagraff (1), ystyr "perthynas hirdymor" ("*long-term relationship*") yw perthynas sydd wedi parhau am gyfnod o ddwy flynedd o leiaf, sy'n diweddu ar y dyddiad y digwydd i fater statws y person mewn perthynas â'r aelod gael ei ystyried, neu pa bynnag gyfnod byrrach a ystyrir yn briodol gan y rheolwr cynllun mewn unrhyw achos priodol.

(3) Yn y Rheoliadau hyn, ystyr "partner sy'n cyd-fyw" ("*cohabiting partner*") yw person sy'n bodloni'r gofynion ym mharagraff (1)(b).

Ystyr "cyfnod dechreuol"

86. At ddibenion y Rhan hon, ystyr "cyfnod dechreuol" ("*initial period*") yw'r cyfnod o 13 wythnos sy'n cychwyn ar y diwrnod ar ôl marwolaeth yr aelod, pan ganiateir i bensiwn profedigaeth fod yn daladwy i unrhyw bartner sy'n goroesi neu i blentyn cymwys.

PENNOD 2

Pensiynau ar gyfer partneriaid sy'n goroesi

Pensiwn sy'n daladwy i bartner sy'n goroesi, ar farwolaeth aelod actif

87.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â phartner sy'n goroesi aelod a fu farw, os oedd yr aelod, ar ddyddiad ei farwolaeth, yn aelod actif gyda mwy na thri mis o wasanaeth cymwys.

(2) Mae hawl gan bartner sy'n goroesi, ac y mae'r rheoliad hwn yn gymwys iddo, i gael pensiwn partner sy'n goroesi.

(3) Yn ddarostyngedig i reoliad 91 (lleihau pensiynau mewn achosion o wahaniaeth oedran eang), cyfradd flynyddol pensiwn y partner sy'n goroesi yw swm sy'n hafal i hanner y pensiwn y byddai hawl gan yr aelod i'w gael pe bai'r aelod wedi ymddeol ar sail afiechyd gyda dyfarniad o bensiwn afiechyd haen uchaf ar ddyddiad marwolaeth yr aelod.

Pensiwn sy'n daladwy i bartner sy'n goroesi, ar farwolaeth aelod gohiriedig

88.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â phartner sy'n goroesi aelod a oedd, ar ddyddiad ei farwolaeth, yn aelod gohiriedig.

law of England and Wales but has not done so,

(iv) is financially dependent on the scheme member or is, with the scheme member, in a state of mutual financial dependency, and

(v) is in a long-term relationship with the scheme member.

(2) In paragraph (1), "long–term relationship" ("*perthynas hirdymor*") means a relationship that has continued for a period of at least two years ending with the date on which the question of the person's status in relation to the member falls to be considered, or such shorter period as the scheme manager may in any particular case think fit.

(3) In these Regulations, "cohabiting partner" ("*partner sy'n cyd-fyw*") means a person who satisfies the requirements in paragraph (1)(b).

Meaning of "initial period"

86. For the purposes of this Part, the "initial period" ("*cyfnod dechreuol*") is the period of 13 weeks commencing on the day after the death of the member during which a bereavement pension may be payable to any surviving partner or eligible child.

CHAPTER 2

Pensions for surviving partners

Surviving partner's pension payable on death of active member

87.—(1) This regulation applies in relation to the surviving partner of a member who dies if, at the date of death, the member is an active member and has qualifying service of more than three months.

(2) A surviving partner to whom this regulation applies is entitled to a surviving partner's pension.

(3) Subject to regulation 91 (reduction in pensions in cases of wide age disparity), the annual rate of the surviving partner's pension is an amount equal to half the pension which the member would have been entitled to draw if the member had retired on the grounds of ill-health with the award of a higher tier ill-health pension on the date of the member's death.

Surviving partner's pension payable on death of deferred member

88.—(1) This regulation applies in relation to the surviving partner of a member who at the date of death is a deferred member.

(2) Mae hawl gan bartner sy'n goroesi, ac y mae'r rheoliad hwn yn gymwys iddo, i gael pensiwn partner sy'n goroesi.

(3) Yn ddarostyngedig i reoliad 91 (lleihau pensiynau mewn achosion o wahaniaeth oedran eang), cyfradd flynyddol pensiwn y partner sy'n goroesi yw swm sy'n hafal i hanner y swm dros dro o bensiwn gohiriedig a bennir yng nghyfrif yr aelod gohiriedig a swm y pensiwn ychwanegol (os oes un) a bennir yn y cyfrif pensiwn ychwanegol.

Pensiwn sy'n daladwy i bartner sy'n goroesi, ar farwolaeth aelod-bensiynwr

89.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â phartner sy'n goroesi aelod (P) a oedd, ar ddyddiad ei farwolaeth, yn aelod-bensiynwr.

(2) Mae hawl gan bartner sy'n goroesi, ac y mae'r rheoliad hwn yn gymwys iddo, i gael pensiwn partner sy'n goroesi.

(3) Yn ddarostyngedig i reoliad 91 (lleihau pensiynau mewn achosion o wahaniaeth oedran eang), cyfradd flynyddol pensiwn y partner sy'n goroesi yw swm sy'n hafal i hanner swm y gyfradd flynyddol o bensiwn ymddeol a oedd yn daladwy i P yn union cyn ei farwolaeth.

(4) Os oedd gostyngiad talu'n gynnar wedi ei wneud ar ymddeoliad P, y swm ym mharagraff (2) yw hanner y swm o bensiwn ymddeol a fyddai wedi bod yn daladwy i P pe na bai'r gostyngiad hwnnw wedi ei wneud.

Pensiwn profedigaeth: partner sy'n goroesi

90.—(1) Yn ddarostyngedig i baragraff (2), mae hawl gan bartner sy'n goroesi aelod actif, neu aelod-bensiynwr, i gael pensiwn profedigaeth am y cyfnod dechreuol.

(2) Nid oes hawl gan bartner sy'n goroesi aelod actif i gael pensiwn profedigaeth os nad oedd gan yr aelod actif dri mis o leiaf o wasanaeth cymwys.

(3) Os oedd yr aelod yn aelod actif ar ddyddiad ei farwolaeth, mae swm wythnosol y pensiwn profedigaeth sy'n daladwy o dan baragraff (1) yn hafal i'r gwahaniaeth rhwng swm wythnosol y tâl pensiynadwy a delid i'r aelod ar ddyddiad ei farwolaeth neu, os trinnid yr aelod fel pe bai'n cael tâl pensiynadwy tybiedig, y swm wythnosol o dâl pensiynadwy tybiedig, a swm wythnosol pensiwn y partner sy'n goroesi.

(4) Os oedd yr aelod yn aelod-bensiynwr ar ddyddiad ei farwolaeth, mae swm wythnosol y pensiwn profedigaeth sy'n daladwy o dan baragraff (1) yn hafal i'r gwahaniaeth rhwng swm wythnosol y pensiwn yr oedd hawl gan yr aelod i'w gael ar ddyddiad ei farwolaeth, a swm wythnosol pensiwn y partner sy'n goroesi.

(2) A surviving partner to whom this regulation applies is entitled to a surviving partner's pension.

(3) Subject to regulation 91 (reduction in pensions in cases of wide age disparity), the annual rate of surviving partner's pension is an amount equal to half of the sum of the provisional amount of deferred pension specified in the deferred member's account and the amount of the added pension (if any) specified in the added pension account.

Surviving partner's pension payable on death of pensioner member

89.—(1) This regulation applies in relation to the surviving partner of a member (P) who at the date of death is a pensioner member.

(2) A surviving partner to whom this regulation applies is entitled to a surviving partner's pension.

(3) Subject to regulation 91 (reduction in pensions in cases of wide age disparity), the annual rate of the surviving partner's pension is equal to half the amount of the annual rate of the retirement pension payable to P immediately before P's death.

(4) Where an early payment reduction had been made on P's retirement, the amount in paragraph (2) is half of the amount of retirement pension that would have been payable to P if that reduction had not been made.

Bereavement pension: surviving partner

90.—(1) Subject to paragraph (2), the surviving partner of an active member, or a pensioner member, is entitled to a bereavement pension for the initial period.

(2) The surviving partner of an active member is only entitled to a bereavement pension if the active member had at least three months qualifying service.

(3) If the member was an active member at the date of the member's death, the weekly amount of the bereavement pension payable under paragraph (1) is equal to the difference between the weekly amount of pensionable pay which the member was paid at the date of the member's death or, where the member was treated as receiving assumed pensionable pay, the weekly amount of assumed pensionable pay, and the weekly amount of the surviving partner's pension.

(4) If the member was a pensioner member at the date of the member's death, the weekly amount of the bereavement pension payable under paragraph (1) is equal to the difference between the weekly amount of the pension to which the member was entitled at the date of the member's death and the weekly amount of the surviving partner's pension.

Lleihau pensiynau mewn achosion o wahaniaeth oedran eang

91.—(1) Mae'r rheoliad hwn yn gymwys os yw pensiwn partner sy'n goroesi, ar farwolaeth aelod o'r cynllun hwn, yn daladwy i berson sydd dros 12 mlynedd yn iau na'r aelod.

(2) Gostyngir cyfradd flynyddol y pensiwn hwnnw gan y lleiaf o'r canlynol—

(a) 50% o swm cyfradd flynyddol y pensiwn a gyfrifwyd felly; neu

(b) $2.5 \times (N - 12)\%$ o'r swm hwnnw,

lle mae N yn dynodi'r nifer o flynyddoedd cyfan y mae'r partner sy'n goroesi yn iau na'r aelod.

Lleiafswm pensiwn gwarantedig goroeswr

92.—(1) Os oes gan berson sy'n briod neu'n bartner sifil sy'n goroesi aelod actif, aelod gohiriedig neu aelod-bensiynwr ymadawedig, leiafswm gwarantedig o dan adran 17(**1**) o DCauP 1993 mewn perthynas â buddion mewn cysylltiad â'r aelod ymadawedig o dan y cynllun hwn—

(a) nid oes dim yn y Rheoliadau hyn sy'n caniatáu, nac yn ei gwneud yn ofynnol, unrhyw beth a fyddai'n peri i ofynion a wnaed gan, neu o dan, y Ddeddf honno mewn perthynas â pherson o'r fath, a hawliau person o'r fath o dan gynllun, beidio â chael eu bodloni yn achos y person;

(b) nid oes dim yn y Rheoliadau hyn sy'n rhwystro unrhyw beth rhag cael ei wneud, sy'n angenrheidiol neu'n hwylus at y diben o fodloni gofynion o'r fath yn achos y person.

(2) Nid yw paragraffau (3) a (4) yn lleihau dim ar gyffredinolrwydd paragraff (1).

(3) Mae'r paragraff hwn yn gymwys pan, ac eithrio o ganlyniad i'r rheoliad hwn—

(a) na fyddai pensiwn yn daladwy i'r partner sy'n goroesi o dan y Rhan hon; neu

(b) byddai cyfradd wythnosol y pensiynau sy'n daladwy yn llai na'r lleiafswm gwarantedig.

(4) Os yw paragraff (3) yn gymwys—

(**1**) Diwygiwyd adran 17 gan Ddeddf Cyfraniadau Nawdd Cymdeithasol (Trosglwyddo Swyddogaethau etc.) 1999 (p. 2), Atodlen 1, paragraff 39; Deddf Cymorth Plant, Pensiynau a Nawdd Cymdeithasol 2000 (p. 19), Atodlen 5, paragraff 1 ac Atodlen 9, Rhan 3; Deddf Pensiynau 2004 (p. 35), adran 284(2); Deddf Pensiynau 2007 (p. 22), adran 14(2); Deddf Priodasau (Cyplau o'r Un Rhyw) 2013 (p. 30), Atodlen 4, paragraffau 18 ac 20; ac O.S. 2005/2050 a 2014/560.

Reduction in pensions in cases of wide age disparity

91.—(1) This regulation applies if, on the death of a member of this scheme, a surviving partner's pension is payable to a person who is more than 12 years younger than the member.

(2) The annual rate of that pension is reduced by the lower of—

(a) 50% of the amount of the annual rate of the pension so calculated; or

(b) $2.5 \times (N - 12)\%$ of that amount,

where N is the number of whole years by which the surviving partner is younger than the member.

Survivor's guaranteed minimum pensions

92.—(1) If a person who is the surviving spouse or civil partner of a deceased active, deferred or pensioner member has a guaranteed minimum under section 17(**1**) of PSA 1993 in relation to benefits in respect of the deceased member under this scheme—

(a) nothing in these Regulations permits or requires anything that would cause requirements made by or under that Act in relation to such a person and such a person's rights under a scheme not to be met in the case of the person;

(b) nothing in these Regulations prevents anything from being done which is necessary or expedient for the purposes of meeting such requirements in the case of the person.

(2) Paragraphs (3) and (4) are without prejudice to the generality of paragraph (1).

(3) This paragraph applies if apart from this regulation—

(a) no pension would be payable to the surviving partner under this Part; or

(b) the weekly rate of the pensions payable would be less than the guaranteed minimum.

(4) If paragraph (3) applies—

(**1**) Section 17 was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Schedule 1, paragraph 39; the Child Support, Pensions and Social Security Act 2000 (c. 19), Schedule 5, paragraph 1 and Schedule 9, Part 3; the Pensions Act 2004 (c. 35), section 284(2); the Pensions Act 2007 (c. 22), section 14(2); the Marriage (Same Sex Couples) Act 2013 (c. 30), Schedule 4, paragraphs 18 and 20; and S.I. 2005/2050 and 2014/560.

(a) mae pensiwn sydd â'i gyfradd wythnosol yn hafal i'r lleiafswm gwarantedig yn daladwy am ei oes i'r partner sy'n goroesi neu, yn ôl fel y digwydd, bydd pensiynau sydd â'u cyfradd wythnosol gyfanredol yn hafal i'r lleiafswm gwarantedig yn daladwy felly; neu

(b) os yw paragraff (3)(b) yn gymwys, cynyddir y pensiynau sy'n daladwy i'r swm a bennir yn is-baragraff (a).

(5) Nid yw paragraff (4) yn gymwys i bensiwn—

(a) sydd wedi ei fforffedu—

(i) o ganlyniad i gollfarn am frad, neu

(ii) mewn achos pan fo'r drosedd berthnasol o dan reoliad 181 (fforffedu: troseddau a gyflawnir gan aelodau, partneriaid sy'n goroesi neu blant cymwys) yn dod o fewn paragraff (b) o'r diffiniad, yn y rheoliad hwnnw, o "trosedd berthnasol" (troseddau o dan y Deddfau Cyfrinachau Swyddogol); neu

(b) pan fo'r pensiwn hwnnw wedi ei gymudo o dan reoliad 177 (cymudo pensiynau bach), a'r amodau yn rheoliad 60 o Reoliadau Cynlluniau Pensiwn Galwedigaethol (Contractio Allan) 1996(**1**) wedi eu bodloni.

(a) a pension the weekly rate of which is equal to the guaranteed minimum is payable to the surviving partner for life or, as the case may be, pensions the aggregate weekly rate of which is equal to the guaranteed minimum are so payable; or

(b) if paragraph (3)(b) applies, the pensions payable are increased to the amount specified in sub-paragraph (a).

(5) Paragraph (4) does not apply to a pension—

(a) that is forfeited—

(i) as a result of a conviction for treason, or

(ii) in a case where the relevant offence under regulation 181 (forfeiture: offences committed by members, surviving partners or eligible children) falls under paragraph (b) of the definition in that regulation of "relevant offence" (Official Secrets Acts offences); or

(b) where that pension is commuted under regulation 177 (commutation of small pensions) where the conditions in regulation 60 of the Occupational Pension Schemes (Contracting-out) Regulations 1996(**1**) are met.

PENNOD 3

Pensiynau ar gyfer plant cymwys

CHAPTER 3

Pensions for eligible children

Pensiwn plentyn cymwys

93.—(1) Os bydd farw aelod, sydd â thri mis o leiaf o wasanaeth cymwys, gan adael plentyn cymwys, mae pensiwn plentyn cymwys yn daladwy, a phensiwn profedigaeth, wrth ddibynnu ar amgylchiadau'r aelod ymadawedig, yn daladwy, mewn cysylltiad â'r plentyn.

(2) Nid oes pensiwn plentyn cymwys yn daladwy mewn cysylltiad ag unrhyw gyfnod cyn genedigaeth plentyn.

(3) Os yw'r plentyn, ar ôl dyddiad marwolaeth yr aelod, yn peidio â bod yn blentyn cymwys bydd y pensiwn yn peidio â bod yn daladwy oni bai a hyd nes bo'r plentyn yn dod yn blentyn cymwys drachefn; ond os na fydd y plentyn yn peidio â bod yn blentyn cymwys, bydd y pensiwn yn daladwy am ei oes.

Eligible child's pension

93.—(1) If a member, who has at least three months qualifying service, dies leaving an eligible child, an eligible child's pension and, depending on the deceased member's circumstances, a bereavement pension is payable in respect of the child.

(2) An eligible child's pension is not payable in respect of any period before a child's birth.

(3) If the child ceases to be an eligible child after the date of the member's death, the pension ceases to be payable unless and until the child becomes an eligible child again, but, if the child does not cease to be an eligible child, the pension is payable for life.

(**1**) O.S. 1996/1172. Amnewidiwyd rheoliad 60 gan O.S. 2006/744 ac fe'i diwygiwyd gan O.S. 2006/1337, 2009/2930 a 2010/499.

(**1**) S.I. 1996/1172. Regulation 60 was substituted by S.I. 2006/744 and amended by S.I.2006/1337, 2009/2930 and 2010/499.

Ystyr "plentyn cymwys"

94.—(1) Yn y Rheoliadau hyn, mewn perthynas ag aelod ymadawedig, ystyr "plentyn" ("*child*") yw—

(a) plentyn naturiol, llysblentyn neu blentyn mabwysiedig yr aelod; neu

(b) plentyn naturiol, llysblentyn neu blentyn mabwysiedig priod yr aelod, neu blentyn naturiol, llysblentyn neu blentyn mabwysiedig i bartner sifil yr aelod neu i bartner a oedd yn cyd-fyw â'r aelod; neu

(c) unrhyw blentyn naturiol yr aelod, a anwyd ar ôl marwolaeth yr aelod, ac yr oedd mam y plentyn yn feichiog â'r plentyn hwnnw ar ddyddiad marwolaeth yr aelod.

(2) Mae plentyn yr aelod ymadawedig yn "blentyn cymwys" ("*eligible child*")—

(a) os oedd y plentyn, ar ddyddiad marwolaeth yr aelod ymadawedig, yn ddibynnol yn ariannol ar yr aelod ymadawedig hwnnw;

(b) os nad oedd y plentyn yn briod neu mewn partneriaeth sifil; ac

(c) os yw'r plentyn yn bodloni unrhyw un o'r amodau A i C.

(3) Amod A yw fod y person o dan 18 mlwydd oed.

(4) Amod B yw fod y person mewn addysg amser llawn neu ar gwrs sy'n parhau am o leiaf un flwyddyn, ac nad yw'r person wedi cyrraedd 23 mlwydd oed.

(5) Amod C yw fod y person, oherwydd ei anallu meddyliol neu gorfforol parhaol, yn ddibynnol ar yr aelod ymadawedig ar ddyddiad marwolaeth yr aelod ymadawedig.

Pensiwn plentyn cymwys ar farwolaeth aelod actif

95.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â phlentyn cymwys aelod a fu farw, os oedd yr aelod, ar ddyddiad ei farwolaeth, yn aelod actif a chanddo fwy na thri mis o wasanaeth cymwys.

(2) Cyfradd flynyddol pensiwn plentyn cymwys y mae'r rheoliad hwn yn gymwys iddo yw swm sy'n hafal i'r gyfran benodedig o'r pensiwn y byddai hawl gan yr aelod i'w chael pe bai'r aelod wedi ymddeol ar sail afiechyd gyda dyfarniad o bensiwn afiechyd haen uchaf ar y dyddiad y bu farw'r aelod.

Pensiwn plentyn cymwys sy'n daladwy ar farwolaeth aelod gohiriedig

96.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â phlentyn cymwys aelod a fu farw, os oedd yr aelod, ar ddyddiad ei farwolaeth, yn aelod gohiriedig.

Meaning of "eligible child"

94.—(1) In these Regulations, , in relation to a deceased member, "child" ("*plentyn*")means—

(a) a natural child, step-child or adopted child of the member; or

(b) the natural child, step-child or adopted child of the member's spouse, civil partner or cohabiting partner; or

(c) any natural child of the member who was born after the member's death and with whom the child's mother was pregnant at the date of the member's death.

(2) A child of the deceased member is an "eligible child" ("*plentyn cymwys*") if—

(a) the child was at the date of the deceased member's death financially dependent on the deceased member;

(b) the child is not married or in a civil partnership; and

(c) the child satisfies any of the conditions A to C.

(3) Condition A is that the person is under the age of 18.

(4) Condition B is that the person is in full-time education or on a course of at least one year's duration and has not reached the age of 23.

(5) Condition C is that the person is dependent on the deceased member at the date of the deceased member's death by reason of permanent incapacity of mind or body.

Eligible child's pension on death of active member

95.—(1) This regulation applies in relation to an eligible child of a member who dies if, at the date of death, the member is an active member and has qualifying service of more than three months.

(2) The annual rate of an eligible child's pension to which this regulation applies is an amount equal to the specified proportion of the pension which the member would have been entitled to draw if the member had retired on the grounds of ill-health with the award of a higher tier ill-health pension on the date of the member's death.

Eligible child's pension payable on death of deferred member

96.—(1) This regulation applies in relation to an eligible child of a member who dies if, at the date of death, the member is a deferred member.

(2) Y gyfradd flynyddol o bensiwn plentyn cymwys yw swm sy'n hafal i'r gyfran benodedig o swm dros dro o bensiwn gohiriedig a bennir yn y cyfrif aelod gohiriedig a swm y pensiwn ychwanegol (os oes un) a bennir yn y cyfrif pensiwn ychwanegol.

(2) The annual rate of an eligible child's pension is an amount equal to the specified proportion of the sum of the provisional amount of deferred pension specified in the deferred member's account and the amount of the added pension (if any) specified in the added pension account.

Pensiwn plentyn cymwys sy'n daladwy ar farwolaeth aelod-bensiynwr

97.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â phlentyn cymwys aelod a fu farw, os oedd yr aelod, ar ddyddiad ei farwolaeth, yn aelod-bensiynwr (P).

(2) Yn ddarostyngedig i baragraff (3), cyfradd flynyddol o bensiwn plentyn cymwys yw swm sy'n hafal i'r gyfran benodedig o swm y pensiwn ymddeol a oedd yn daladwy i P yn union cyn ei farwolaeth.

(3) Os gwnaed gostyngiad talu'n gynnar ar ymddeoliad P, y swm ym mharagraff (2) yw'r gyfran benodedig o swm y pensiwn ymddeol a fyddai wedi bod yn daladwy pe na bai'r gostyngiad hwnnw wedi ei wneud.

Eligible child's pension payable on death of pensioner member

97.—(1) This regulation applies in relation to an eligible child of a member who dies if, at the date of death, the member is a pensioner member (P).

(2) Subject to paragraph (3), the annual rate of an eligible child's pension is an amount equal to the specified proportion of the amount of retirement pension payable to P immediately before P's death.

(3) Where an early payment reduction had been made on P's retirement, the amount in paragraph (2) is the specified proportion of the amount of retirement pension that would have been payable if that reduction had not been made.

Cyfran benodedig

98.—(1) Y gyfran benodedig yw un chwarter os oes un plentyn cymwys ar ddyddiad marwolaeth yr aelod.

(2) Os oes mwy nag un plentyn cymwys ar ddyddiad marwolaeth yr aelod, y gyfran benodedig yw hanner y pensiwn a grybwyllir yn rheoliadau 95 (pensiwn plentyn cymwys ar farwolaeth aelod actif), 96 (pensiwn plentyn cymwys sy'n daladwy ar farwolaeth aelod gohiriedig) a 97 (pensiwn plentyn cymwys sy'n daladwy ar farwolaeth aelod-bensiynwr) wedi ei rannu â nifer y plant cymwys fel bod pob plentyn cymwys yn cael cyfran gyfartal.

(3) Os yw person yn peidio â bod yn blentyn cymwys, rhaid i daliadau pensiwn y person hwnnw beidio, ac os oes dal mwy nag un plentyn cymwys, rhaid i swm y pensiwn hwnnw gael ei ddosrannu'n gyfartal rhwng y plant cymwys sy'n weddill (os oes rhai).

Specified proportion

98.—(1) The specified proportion is one quarter where there is one eligible child at the date of the member's death.

(2) If there is more than one eligible child at the date of the member's death the specified proportion is half of the pension mentioned in regulations 95 (eligible child's pension on death of active member), 96 (eligible child's pension payable on death of deferred member) and 97 (eligible child's pension payable on death of pensioner member) divided by the number of eligible children so that each eligible child receives an equal share.

(3) If a person ceases to be an eligible child, that person's pension must cease to be paid and where there is still more than one eligible child, the amount of that pension must be distributed equally between the remaining eligible children (if any).

Cynnydd mewn pensiwn plentyn cymwys pan nad oes partner sy'n goroesi

99.—(1) Mae'r rheoliad hwn yn gymwys os nad oedd gan unrhyw berson, ar ddyddiad marwolaeth yr aelod, hawl i gael pensiwn partner sy'n goroesi.

(2) Os yw'r rheoliad hwn yn gymwys, ac os oes plentyn cymwys, mae hawl gan y plentyn hwnnw hefyd i gael y swm o bensiwn yn unol â pharagraffau (3) neu (4) y byddai partner sy'n goroesi wedi ei gael—

(a) o dan reoliad 87 (pensiwn sy'n daladwy i bartner sy'n goroesi, ar farwolaeth aelod actif)

Increase in eligible child's pension where there is no surviving partner

99.—(1) This regulation applies if, at the date of the member's death, there was no person who was entitled to a surviving partner's pension.

(2) If this regulation applies and there is an eligible child, that child is also entitled to the amount of pension in accordance with paragraphs (3) or (4) which the surviving partner would have received—

(a) under regulation 87 (surviving partner's pension payable on death of active member) if

os oedd yr aelod (P) yn aelod actif ar ddyddiad ei farwolaeth;

(b) o dan reoliad 88 (pensiwn sy'n daladwy i bartner sy'n goroesi, ar farwolaeth aelod gohiriedig) os oedd P yn aelod gohiriedig ar ddyddiad ei farwolaeth;

(c) o dan reoliad 89 (pensiwn sy'n daladwy i bartner sy'n goroesi, ar farwolaeth aelod-bensiynwr) os oedd P yn aelod-bensiynwr ar ddyddiad ei farwolaeth.

(3) Os nad oes dim ond un plentyn cymwys, bydd y plentyn hwnnw'n cael swm ychwanegol sy'n hafal i'r swm a ganfyddir yn unol â pharagraff (2).

(4) Os oes mwy nag un plentyn cymwys ar ddyddiad marwolaeth P, rhennir y swm a ganfyddir yn unol â pharagraff (2) rhwng nifer y plant cymwys, fel bod pob plentyn cymwys yn cael cyfran gyfartal.

(5) Os yw person yn peidio â bod yn blentyn cymwys, rhaid i daliadau cyfran y person hwnnw o'r swm a ganfyddir yn unol â pharagraff (2) beidio, a rhaid dosrannu'r gyfran honno yn gyfartal rhwng y plant cymwys sy'n weddill (os oes rhai).

Cynnydd ym mhensiwn plentyn cymwys os oedd yr aelod yn aelod â debyd pensiwn

100. Os oedd buddion yr aelod, ar ddyddiad ei farwolaeth, yn ddarostyngedig i ostyngiad o dan adran 31 o DDLlPh 1999, rhaid cyfrifo unrhyw bensiwn plentyn cymwys fel pe na bai'r gostyngiad hwnnw wedi ei wneud.

Pensiwn profedigaeth: plentyn cymwys

101.—(1) Os nad oes pensiwn partner sy'n goroesi yn daladwy ar farwolaeth yr aelod, mae pensiwn profedigaeth yn daladwy i blentyn cymwys sydd â hawl i gael pensiwn plentyn cymwys ar farwolaeth aelod actif neu aelod-bensiynwr.

(2) Os bydd farw'r partner sy'n goroesi cyn diwedd y cyfnod dechreuol, a phensiwn profedigaeth yn daladwy i'r partner sy'n goroesi, mae pensiwn profedigaeth yn daladwy i unrhyw blentyn cymwys am y rhan o'r cyfnod dechreuol sy'n weddill, neu, os yw'n gynharach, hyd nes bo'r plentyn yn peidio â bod yn gymwys i gael pensiwn plentyn cymwys.

(3) Os oedd yr aelod yn aelod actif ar ddyddiad ei farwolaeth, mae swm wythnosol y pensiwn profedigaeth sy'n daladwy o dan baragraffau (1) neu (2) yn hafal i'r gwahaniaeth rhwng swm wythnosol y tâl pensiynadwy a delid i'r aelod ar ddyddiad ei farwolaeth neu, os trinnid yr aelod fel pe bai'n cael tâl pensiynadwy tybiedig, y swm wythnosol o dâl pensiynadwy tybiedig, a swm wythnosol y pensiwn partner sy'n goroesi.

the member (P) was an active member at the date of P's death;

(b) under regulation 88 (surviving partner's pension payable on death of deferred member) if P was a deferred member at the date of P's death;

(c) under regulation 89 (surviving partner's pension payable on death of pensioner member) if P was a pensioner member at the date of P's death.

(3) If there is only one eligible child, that child receives an additional amount equal to the amount ascertained in accordance with paragraph (2).

(4) If there is more than one eligible child at the date of P's death, the amount ascertained in accordance with paragraph (2) is divided between the number of eligible children so that each eligible child receives an equal share.

(5) If a person ceases to be an eligible child, that person's share of the amount ascertained in accordance with paragraph (2) must cease to be paid and the share must be distributed equally between the remaining eligible children (if any).

Increase in eligible child's pension where member was pension debit member

100. If the member's benefits were at the date of death subject to a reduction under section 31 of WRPA 1999, any eligible child's pension must be calculated as though that reduction had not been made.

Bereavement pension: eligible child

101.—(1) If a surviving partner's pension is not payable on the death of the member, a bereavement pension is payable to an eligible child who is entitled to an eligible child's pension on the death of an active member or a pensioner member.

(2) If the surviving partner dies before the end of the initial period and a bereavement pension was payable to the surviving partner, a bereavement pension is payable to any eligible child for the remaining part of the initial period or, if earlier, until the child ceases to be eligible for an eligible child's pension.

(3) If the member was an active member at the date of the member's death, the weekly amount of the bereavement pension payable under paragraphs (1) or (2) is equal to the difference between the weekly amount of pensionable pay which the member was paid at the date of the member's death or, where the member was treated as receiving assumed pensionable pay, the weekly amount of assumed pensionable pay, and the weekly amount of the surviving partner's pension.

(4) Os oedd yr aelod yn aelod-bensiynwr, mae swm wythnosol y pensiwn profedigaeth sy'n daladwy o dan baragraffau (1) neu (2) yn hafal i'r gwahaniaeth rhwng swm wythnosol y pensiwn yr oedd hawl gan yr aelod i'w gael ar ddyddiad ei farwolaeth a swm wythnosol y pensiwn partner sy'n goroesi.

(5) Os oes mwy nag un plentyn cymwys, rhennir swm wythnosol y pensiwn profedigaeth sy'n daladwy o dan baragraffau (1) neu (2) gyda nifer y plant cymwys, fel bod pob plentyn cymwys yn cael cyfran gyfartal.

(6) Os yw person yn peidio â bod yn blentyn cymwys cyn diwedd y cyfnod dechreuol, rhaid i daliadau cyfran y person hwnnw o'r pensiwn profedigaeth beidio, a rhaid dosrannu'r gyfran honno yn gyfartal rhwng y plant cymwys sy'n weddill (os oes rhai).

(4) If the member was a pensioner member, the weekly amount of the bereavement pension payable under paragraphs (1) or (2) is equal to the difference between the weekly amount of the pension to which the member was entitled at the date of the member's death and the weekly amount of the surviving partner's pension.

(5) If there is more than one eligible child, the weekly amount of the bereavement pension payable under paragraphs (1) or (2) is divided by the number of eligible children so that each receives an equal share.

(6) If a person ceases to be an eligible child before the end of the initial period, that person's share of the bereavement pension must cease to be paid and the share must be distributed equally between the remaining eligible children (if any).

PENNOD 4

Cyfandaliadau o fuddion marwolaeth

CHAPTER 4

Lump sum death benefits

Ystyr "tâl terfynol"

102.—(1) Yn y Bennod hon, ystyr "tâl terfynol" ("*final pay*") yw'r mwyaf o'r canlynol—

(a) swm tâl pensiynadwy yr aelod yn ystod y cyfnod di-dor o wasanaeth pensiynadwy yr aelod yn y cyfnod o 365 diwrnod sy'n diweddu gyda'r diwrnod olaf o wasanaeth pensiynadwy; a

(b) swm tâl pensiynadwy yr aelod yn ystod y cyfnod di-dor o wasanaeth pensiynadwy yr aelod yn y cyfnod o dair blynedd sy'n diweddu gyda'r diwrnod olaf o wasanaeth pensiynadwy, wedi ei rannu gyda thri.

(2) Os oedd y cyfnod di-dor o wasanaeth pensiynadwy yr aelod yn llai na 365 diwrnod, y swm ym mharagraff (1)(a) yw swm sy'n hafal i dâl blynyddol terfynol yr aelod;

(3) At y diben o benderfynu pa un o'r symiau a grybwyllir ym mharagraff (1) yw'r mwyaf—

(a) os oedd y cyfnod di-dor o wasanaeth pensiynadwy yr aelod yn llai na thair blynedd, y swm ym mharagraff (1)(b) yw cyfanswm y tâl pensiynadwy a gafodd am y gwasanaeth hwnnw wedi ei rannu gyda nifer y blynyddoedd mewn gwasanaeth pensiynadwy, a gyfrifir yn unol â rheoliad 192 (cyfrifo cyfnodau o aelodaeth a gwasanaeth); a

(b) os trinnir aelod fel pe bai'n cael tâl pensiynadwy tybiedig ar gyfer unrhyw gyfnod a gynhwysir ym mharagraff (1)(a) neu (1)(b), mae tâl pensiynadwy yn y rheoliad hwn yn cynnwys y tâl pensiynadwy tybiedig hwnnw.

Meaning of "final pay"

102.—(1) In this Chapter, "final pay" ("*tâl terfynol*") means the greater of the following—

(a) the amount of the member's pensionable pay during the member's continuous period of pensionable service in the period of 365 days ending with the last day of pensionable service; and

(b) the amount of the member's pensionable pay during the member's continuous period of pensionable service in the period of three years ending with the last day of pensionable service, divided by three.

(2) If the member's continuous period of pensionable service was less than 365 days, the amount in paragraph (1)(a) is an amount equal to the member's annualised final pay.

(3) For the purpose of determining which of the amounts mentioned in paragraph (1) is the greater—

(a) if the member's continuous period of pensionable service was less than three years, the amount in paragraph (1)(b) is the total pensionable pay received for that service divided by the number of years in pensionable service calculated in accordance with regulation 192 (calculation of periods of membership and service); and

(b) if a member is treated as receiving assumed pensionable pay for any period included in paragraph (1)(a) or (1)(b), pensionable pay in this regulation includes that assumed pensionable pay.

(4) Ond os yw'r cyfnod di-dor o wasanaeth pensiynadwy yn cynnwys y diwrnod 29 Chwefror, mae paragraffau (1)(a) a (2) yn cael effaith fel pe rhoddid "366" yn lle "365".

(4) But if the continuous period of pensionable service includes the day 29 February, paragraphs (1)(a) and (2) have effect with the substitution for "365" of "366".

Ystyr "tâl blynyddol terfynol"

103.—(1) At ddibenion y Bennod hon, tâl blynyddol terfynol aelod yw TT x 365/N, lle—

(a) TT yw tâl pensiynadwy yr aelod yn ystod cyfnod di-dor o wasanaeth pensiynadwy yr aelod; a

(b) N yw nifer y diwrnodau yn y cyfnod hwnnw.

(2) Ond os yw'r cyfnod di-dor o wasanaeth pensiynadwy yn cynnwys y diwrnod 29 Chwefror, mae paragraff (1) yn cael effaith fel pe rhoddid "366" yn lle "365".

Meaning of "annualised final pay"

103.—(1) For the purpose of this Chapter, a member's annualised final pay is FP x 365/N where—

(a) FP is the member's pensionable pay during the member's continuous period of pensionable service; and

(b) N is the number of days in that period.

(2) But if the continuous period of pensionable service includes the day 29 February, paragraph (1) has effect with the substitution for "365" of "366".

Y person y mae cyfandaliad budd marwolaeth yn daladwy iddo

104. Caiff y rheolwr cynllun, yn ôl ei ddisgresiwn absoliwt, dalu unrhyw gyfandaliad o fudd marwolaeth sy'n daladwy o dan y Bennod hon i, neu er budd, enwebai'r aelod, ei gynrychiolwyr personol, neu unrhyw berson y mae'n ymddangos i'r rheolwr cynllun a fu'n berthynas neu'n ddibynnydd yr aelod.

Person to whom lump sum death benefit payable

104. The scheme manager may, at its absolute discretion, pay any lump sum death benefit payable under this Chapter to or for the benefit of the member's nominee, personal representatives or any person appearing to the scheme manager to have been a relative or dependant of the member.

Cyfandaliad sy'n daladwy ar farwolaeth aelod actif

105.—(1) Os bydd farw aelod actif, rhaid i'r rheolwr cynllun dalu cyfandaliad budd marwolaeth.

(2) Swm y cyfandaliad budd marwolaeth yw swm sy'n hafal i dair gwaith swm tâl terfynol yr aelod.

(3) Os oes gan aelod actif fwy nag un cyfrif aelod actif, mae cyfandaliad budd marwolaeth yn daladwy mewn cysylltiad â phob un o'r cyfrifon hynny.

Lump sum payable on death of active member

105.—(1) If an active member dies, the scheme manager must pay a lump sum death benefit.

(2) The amount of the lump sum death benefit is an amount equal to three times the amount of the member's final pay.

(3) Where an active member has more than one active member's account, a lump sum death benefit is payable in respect of each of those accounts.

Cyfandaliad sy'n daladwy ar farwolaeth aelod-bensiynwr

106.—(1) Mae'r rheoliad hwn yn gymwys os bydd farw aelod-bensiynwr o fewn pum mlynedd ar ôl i'r pensiwn ddod yn daladwy.

(2) Os yw'r rheoliad hwn yn gymwys, rhaid i'r rheolwr cynllun dalu cyfandaliad budd marwolaeth.

(3) Mae swm y cyfandaliad budd marwolaeth yn hafal i—

(a) cyfanswm blynyddol pensiynau'r aelod, wedi ei luosi gyda phump; llai

(b) cyfanswm unrhyw daliadau pensiwn a wnaed i'r aelod o dan y cynllun hwn.

Lump sum payable on death of pensioner member

106.—(1) This regulation applies if a pensioner member dies within five years of the pension coming into payment.

(2) If this regulation applies, the scheme manager must pay a lump sum death benefit.

(3) The amount of the lump sum death benefit is equal to—

(a) the total annual amount of the member's pensions, multiplied by five; less

(b) the total amount of any pension payments made to the member under this scheme.

(4) Ym mharagraff (3)(a), ystyr "cyfanswm blynyddol pensiynau'r aelod" ("*total annual amount of the member's pensions*") yw cyfanswm y gyfradd flynyddol o bensiwn ymddeol a ddangosir yng nghyfrifon pensiwn yr aelod, a gyfrifir fel pe bai dyddiad marwolaeth yr aelod yn ddyddiad cychwyn ar gyfer y pensiwn hwnnw.

(5) At ddibenion y rheoliad hwn, diystyrir unrhyw symiau a dalwyd, neu sy'n daladwy i'r aelod, neu mewn cysylltiad â'r aelod, yn y swyddogaeth o aelod â chredyd pensiwn.

Cyfandaliad sy'n daladwy ar farwolaeth mewn achosion penodol

107. Os oedd person (P) ar yr adeg y bu P farw, yn aelod-bensiynwr o'r cynllun hwn ac yn aelod actif o'r cynllun hwn, swm y cyfandaliad budd marwolaeth sy'n daladwy yw'r mwyaf o swm y cyfandaliad budd marwolaeth taladwy o dan reoliad 105 (cyfandaliad sy'n daladwy ar farwolaeth aelod actif) a swm y cyfandaliad budd marwolaeth taladwy o dan reoliad 106 (cyfandaliad sy'n daladwy ar farwolaeth aelod-bensiynwr).

Cyfandaliad sy'n daladwy ar farwolaeth aelod â chredyd pensiwn

108.—(1) Os bydd farw aelod â chredyd pensiwn cyn bod unrhyw fuddion sy'n deillio o gredyd pensiwn wedi dod yn daladwy i'r aelod, rhaid i'r rheolwr cynllun dalu cyfandaliad budd marwolaeth yn unol â pharagraff (2).

(2) Mae swm y cyfandaliad budd marwolaeth yn hafal i luoswm 2.25 a chyfradd flynyddol y pensiwn y byddai'r aelod â chredyd pensiwn wedi bod â hawl i gael, pe bai hawl wedi bod ganddo i gael taliad o'r pensiwn ar unwaith ar ddyddiad ei farwolaeth.

(3) Os bydd farw aelod â chredyd pensiwn o fewn pum mlynedd wedi i bensiwn yr aelod â chredyd pensiwn ddod yn daladwy, a chyn iddo gyrraedd 75 mlwydd oed, rhaid i'r rheolwr cynllun dalu cyfandaliad budd marwolaeth yn unol â pharagraff (4).

(4) Swm y cyfandaliad budd marwolaeth yw'r gwahaniaeth rhwng—

(a) y swm sy'n bum gwaith swm pensiwn yr aelod â chredyd pensiwn; a

(b) y rhandaliadau o bensiwn sydd wedi eu talu.

(5) Ym mharagraff (4), ystyr "swm pensiwn yr aelod â chredyd pensiwn" ("*amount of the pension credit member's pension*") yw swm blynyddol y pensiwn hwnnw ar y dyddiad y daeth pensiwn yr aelod â chredyd pensiwn yn daladwy.

(4) In paragraph (3)(a), "total annual amount of the member's pensions" ("*cyfanswm blynyddol pensiynau'r aelod*") means the total of the annual rate of the retirement pension shown in the member's pension accounts calculated as if the beginning date for that pension were the date of the member's death.

(5) For the purpose of this regulation any amounts paid or payable to or in respect of the member in the capacity of a pension credit member are disregarded.

Lump sum payable on death in certain cases

107. Where a person (P) at the time of P's death was a pensioner member of this scheme and an active member of this scheme, the amount of the lump sum death benefit payable is the greater of the amount of lump sum death benefit payable under regulation 105 (lump sum payable on the death of active member) and the amount of the lump sum death benefit payable under regulation 106 (lump sum payable on the death of a pensioner member).

Lump sum payable on death of pension credit member

108.—(1) If a pension credit member dies before any benefits derived from a pension credit have become payable to the member, the scheme manager must pay a lump sum death benefit in accordance with paragraph (2).

(2) The amount of the lump sum death benefit is equal to the product of 2.25 and the annual rate of the pension credit member's pension to which that member would have been entitled if that member had been entitled to the immediate payment of the pension at the date of death.

(3) If a pension credit member dies within five years of the pension credit member's pension becoming payable and before attaining the age of 75, the scheme manager must pay a lump sum death benefit in accordance with paragraph (4).

(4) The amount of the lump sum death benefit is the difference between—

(a) the amount that is five times the amount of the pension credit member's pension; and

(b) the instalments of pension that have been paid.

(5) In paragraph (4), "amount of the pension credit member's pension" ("*swm pensiwn yr aelod â chredyd pensiwn*") means the annual amount of that pension at the date the pension credit member's pension came into payment.

(6) Os oedd yr aelod ymadawedig yn aelod â chredyd pensiwn gyda hawl i gael dau neu ragor o gredydau pensiwn, mae cyfandaliadau budd marwolaeth o dan y cynllun hwn yn daladwy mewn cysylltiad â'r aelod fel pe bai'r aelod yn ddau neu ragor o aelodau, pob un â hawl i gael un o'r credydau pensiwn.

PENNOD 5

Talu buddion marwolaeth

Talu pensiynau o dan y Rhan hon

109.—(1) Mae pensiwn partner sy'n goroesi neu bensiwn plentyn cymwys yn daladwy o'r diwrnod ar ôl dyddiad marwolaeth yr aelod.

(2) Rhaid talu pensiwn plentyn cymwys sy'n daladwy mewn cysylltiad â phlentyn cymwys o dan 18 mlwydd oed i ba bynnag berson arall a benderfynir gan y rheolwr cynllun, a rhaid i'r rheolwr cynllun ei gwneud yn ofynnol bod y person hwnnw'n ei ddefnyddio er budd y plentyn cymwys yn unol â chyfarwyddiadau'r rheolwr cynllun.

Pensiynau partner sy'n goroesi a phensiynau plentyn cymwys: atal dros dro ac adennill

110.—(1) Mae'r rheoliad hwn yn gymwys—

(a) os, ar farwolaeth aelod, dyfarnwyd a thalwyd pensiwn o dan y Rhan hon; a

(b) os, yn ddiweddarach, mae'n ymddangos i'r rheolwr cynllun fod yr aelod neu'r person y talwyd y pensiwn iddo wedi gwneud datganiad anwir neu wedi celu yn fwriadol ffaith berthnasol mewn cysylltiad â'r dyfarniad.

(2) Os yw'r rheoliad hwn yn gymwys, caiff y rheolwr cynllun—

(a) peidio â thalu'r pensiwn; a

(b) adennill unrhyw daliad a wnaed o dan y dyfarniad.

(3) Nid yw paragraff (2) yn effeithio ar hawl y rheolwr cynllun i adennill taliad neu or-daliad o dan unrhyw ddarpariaeth arall pan fo'r rheolwr cynllun o'r farn y byddai'n briodol gwneud hynny.

Dyfarniadau dros dro o bensiynau plentyn cymwys: addasiadau diweddarach

111.—(1) Mae'r rheoliad hwn yn gymwys os yn dilyn marwolaeth aelod actif, aelod gohiriedig neu aelod-bensiynwr—

(a) telir pensiwn mewn cysylltiad ag un neu ragor o bersonau o dan y Rhan hon ar y sail eu bod yn blant cymwys ar ddyddiad marwolaeth yr aelod, ac nad oedd unrhyw blant cymwys eraill ar y pryd; a

(6) If the deceased member was a pension credit member entitled to two or more pension credits, the lump sum death benefits under this scheme are payable in respect of the member as if the member were two or more members, each being entitled to one of the pension credits.

CHAPTER 5

Payment of death benefits

Payment of pensions under this Part

109.—(1) A surviving partner's pension or eligible child's pension is payable from the day after the date of the member's death.

(2) An eligible child's pension payable in respect of an eligible child aged under 18 must be paid to such other person as the scheme manager determines and the scheme manager must require the person to apply it for the eligible child's benefit in accordance with the scheme manager's directions.

Surviving partner's pensions and eligible child's pensions: suspension and recovery

110.—(1) This regulation applies if—

(a) on a member's death a pension has been awarded and paid under this Part; and

(b) it later appears to the scheme manager that the member or the person to whom the pension has been paid made a false declaration or deliberately suppressed a material fact in connection with the award.

(2) If this regulation applies, the scheme manager may—

(a) cease paying the pension; and

(b) recover any payment made under the award.

(3) Paragraph (2) does not affect the scheme manager's right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so.

Provisional awards of eligible child's pensions: later adjustments

111.—(1) This regulation applies where after the death of an active member, deferred member or pensioner member—

(a) a pension is paid in respect of one or more persons under this Part on the basis that they were eligible children as at the date of the member's death and that there were then no other eligible children; and

(b) yn ddiweddarach, mae'n ymddangos—

(i) nad oedd person, y talwyd pensiwn o'r fath mewn cysylltiad ag ef, yn blentyn cymwys ar ddyddiad y farwolaeth,

(ii) bod person ychwanegol yn blentyn cymwys, neu

(iii) bod plentyn a anwyd ar ôl marwolaeth yr aelod yn blentyn cymwys.

(2) Caiff y rheolwr cynllun wneud pa bynnag addasiadau sy'n ofynnol yn wyneb y ffeithiau fel y maent yn ymddangos yn ddiweddarach, yn swm y pensiynau sy'n daladwy mewn cysylltiad â'r plant dan sylw, a chaiff yr addasiadau hynny fod yn gymwys yn ôl-weithredol.

(3) Nid yw paragraff (2) yn effeithio ar hawl y rheolwr cynllun i adennill taliad neu or-daliad mewn unrhyw achos pan fo'r rheolwr cynllun o'r farn y byddai'n briodol gwneud hynny.

Addasu dyfarniadau plentyn cymwys o ganlyniad i adfer buddion pensiwn

112.—(1) Mae'r rheoliad hwn yn gymwys pan fo person (P) a fyddai'n gymwys i gael buddion fel partner sy'n goroesi neu fel plentyn cymwys yn dilyn marwolaeth aelod actif, aelod gohiriedig neu aelod-bensiynwr, wedi ei gollfarnu am lofruddiaeth neu ddynladdiad yr aelod hwnnw, a'r gollfarn honno wedi ei diddymu yn ddiweddarach, yn dilyn apêl.

(2) Os yw P wedyn yn gymwys i gael pensiwn partner sy'n goroesi, bydd unrhyw gynnydd mewn pensiwn plentyn cymwys o dan reoliad 99 (cynnydd mewn pensiwn plentyn cymwys pan nad oes partner sy'n goroesi) yn peidio â bod yn daladwy o'r dyddiad y diddymir y gollfarn.

(3) Os yw P wedyn yn gymwys i gael pensiwn plentyn cymwys, ac os oes mwy nag un person yn cael pensiwn plentyn cymwys ar y diwrnod cyn y diddymir y gollfarn, bydd swm pob pensiwn plentyn cymwys yn cael ei ostwng, o'r dyddiad y diddymir y gollfarn, i'r swm o bensiwn plentyn cymwys a benderfynir yn unol â'r gyfran benodedig a fyddai wedi bod yn gymwys i'r nifer hwnnw o blant cymwys.

Addasu buddion i gydymffurfio â DC 2004 pan fydd farw aelodau dros 75 mlwydd oed

113.—(1) Mae'r rheoliad hwn yn gymwys os—

(a) bydd farw aelod ar ôl cyrraedd 75 mlwydd oed; a

(b) ac eithrio o dan y rheoliad hwn, na fyddai unrhyw ran o bensiwn, y caiff unrhyw berson yr hawl i'w gael o dan y Rhan hon yn dilyn y farwolaeth, yn gymwys fel pensiwn cynllun

(b) subsequently it appears—

(i) that a person in respect of whom such a pension has been paid was not an eligible child on the date of death,

(ii) that a further person was an eligible child, or

(iii) that a child who was born after the member's death is an eligible child.

(2) The scheme manager may make such adjustments in the amount of the pensions payable in respect of the children in question as are required in view of the facts as they subsequently appear and these adjustments may apply retrospectively.

(3) Paragraph (2) does not affect the scheme manager's right to recover a payment or overpayment in any case where the scheme manager considers it appropriate to do so.

Adjustment of eligible child's awards consequent on re-instatement of pension benefits

112.—(1) This regulation applies where a person (P) who would be eligible to receive benefits as a surviving partner or eligible child following the death of an active member, deferred member or pensioner member, has been convicted of the murder or manslaughter of that member and that conviction has subsequently been quashed on appeal.

(2) If P is then eligible to receive a surviving partner's pension, any increase in an eligible child's pension under regulation 99 (increase in eligible child's pension where there is no surviving partner) ceases to be payable from the date on which the conviction is quashed.

(3) If P is then eligible to receive an eligible child's pension, and if more than one person is receiving an eligible child's pension on the day before the conviction is quashed, the amount of each eligible child's pension is reduced from the date on which the conviction is quashed to an amount of the eligible child's pension determined according to the specified proportion which would have applied to that number of eligible children.

Adjustment of benefits to comply with FA 2004 where members die over 75

113.—(1) This regulation applies if—

(a) a member dies after reaching the age of 75; and

(b) apart from this regulation, any part of a pension to which any person becomes entitled under this Part on the death would not qualify as a dependants' scheme pension for the

dibynyddion at ddibenion adran 167 o DC 2004 (y rheolau buddion marwolaeth pensiwn).

(2) Caniateir addasu'r budd sy'n daladwy i'r person ym mha bynnag fodd a benderfynir gan y rheolwr cynllun, fel y bo'n gymwys fel pensiwn cynllun dibynyddion at ddibenion adran 167 o DC 2004.

purposes of section 167 of FA 2004 (the pension death benefit rules).

(2) The benefit payable to the person may be adjusted in such manner as is determined by the scheme manager so that it qualifies as a dependants' scheme pension for the purposes of section 167 of FA 2004.

RHAN 7

Buddion ar gyfer aelodau â chredyd pensiwn

PART 7

Benefits for pension credit members

Hawlogaeth i bensiwn aelod â chredyd pensiwn

114.—(1) Mae hawl gan aelod â chredyd pensiwn (P) o'r cynllun hwn i gael taliad o bensiwn aelod â chredyd pensiwn ar unwaith o dan y cynllun hwn—

(a) os yw P wedi cyrraedd oedran pensiwn gohiriedig;

(b) os yw'r gorchymyn rhannu pensiwn, y mae hawl gan P i gael y credyd pensiwn oddi tano, wedi cael effaith; ac

(c) os yw P wedi hawlio taliad o'r pensiwn.

(2) Os oes hawl gan P i gael dau neu ragor o gredydau pensiwn, mae ganddo hawl i gael pensiwn aelod â chredyd pensiwn mewn cysylltiad â phob un o'r credydau pensiwn.

Entitlement to pension credit members' pension

114.—(1) A pension credit member (P) of this scheme is entitled to the immediate payment of a pension credit member's pension under this scheme if—

(a) P has reached deferred pension age;

(b) the pension sharing order under which P is entitled to the pension credit has taken effect; and

(c) P has claimed payment of the pension.

(2) If P is entitled to two or more pension credits, P is entitled to a pension credit member's pension in respect of each pension credit.

Cyfradd flynyddol pensiwn aelod â chredyd pensiwn

115. Cyfrifir cyfradd flynyddol pensiwn aelod â chredyd pensiwn drwy—

(a) cymryd swm y pensiwn credydedig a bennir yng nghyfrif yr aelod â chredyd pensiwn; a

(b) didynnu ohono swm y cymudiad (os oes un) a bennir yn y cyfrif hwnnw mewn perthynas â'r swm hwnnw.

Annual rate of pension credit member's pension

115. The annual rate of a pension credit member's pension is calculated by—

(a) taking the amount of credited pension specified in the pension credit member's account; and

(b) subtracting the commutation amount (if any) specified in that account in relation to that amount.

Lleihau buddion aelod â debyd pensiwn

116. Mae'r buddion y mae hawl gan aelod â debyd pensiwn i'w cael o dan y Rheoliadau hyn yn ddarostyngedig i ostyngiad yn y swm perthnasol, a gyfrifir yn unol â rheoliad 63 (sefydlu cyfrif aelod â chredyd pensiwn).

Reduction in pension debit member's benefits

116. The benefits to which a pension debit member is entitled under these Regulations are subject to the reduction of the relevant amount calculated in accordance with regulation 63 (establishment of pension credit member's account).

Hawliau aelod â chredyd pensiwn

117. Ni chaniateir cyfuno buddion sy'n briodoladwy i gredyd pensiwn (yn uniongyrchol neu'n anuniongyrchol) gydag unrhyw fudd arall y mae hawl gan yr aelod â chredyd pensiwn i'w gael o dan y cynllun hwn.

Pension credit member's rights

117. Benefits that are attributable (directly or indirectly) to a pension credit may not be aggregated with any other benefit to which the pension credit member is entitled under this scheme.

Cymudo rhan o bensiwn

118.—(1) Caiff aelod â chredyd pensiwn sy'n cael yr hawl i daliad o bensiwn aelod â chredyd pensiwn o dan y cynllun hwn arfer yr opsiwn o gyfnewid rhan o'r pensiwn am gyfandaliad.

(2) Ni chaniateir arfer yr opsiwn ac eithrio drwy roi hysbysiad—

(a) i'r rheolwr cynllun ddim cynharach na phedwar mis cyn y diweddaraf o'r canlynol—

(i) y dyddiad y bydd y gorchymyn rhannu pensiwn yn cael effaith, a

(ii) y dyddiad y bydd y person yn cyrraedd oedran pensiwn gohiriedig;

(b) ym mha bynnag ffurf sy'n ofynnol gan y rheolwr cynllun; ac

(c) a roddir cyn bo'r taliad cyntaf o'r pensiwn wedi ei wneud.

(3) Os yw aelod â chredyd pensiwn yn arfer yr opsiwn o dan y rheoliad hwn, am bob £1 o ostyngiad i swm cyfradd flynyddol y pensiwn, rhaid talu i'r aelod gyfandaliad o £12.

(4) Ni chaiff y gyfran a gymudir fod yn fwy na chwarter swm pensiwn yr aelod â chredyd pensiwn.

(5) Ni chaiff aelod â chredyd pensiwn gyfnewid pensiwn am gyfandaliad o dan y rheoliad hwn i'r graddau y byddai'n achosi taliad trethadwy o'r cynllun at ddibenion Rhan 4 (cynllun pensiwn etc.) o DC 2004, (gweler adran 241 o'r Ddeddf honno).

(6) Nid yw'r rheoliad hwn yn gymwys os oedd yr aelod â debyd pensiwn, y mae'r pensiwn yn deillio o'i hawliau, wedi cael cyfandaliad o dan Ran 5 (buddion ymddeol) cyn y dyddiad yr oedd y gorchymyn rhannu pensiwn yn cael effaith.

RHAN 8

Cyfraniadau

PENNOD 1

Cyfraniadau aelodau

Cyfraniadau aelodau

119.—(1) Yn ddarostyngedig i reoliadau 120 i 122 (cyfraniadau yn ystod absenoldebau), rhaid i aelod actif o'r cynllun hwn dalu cyfraniadau i'r cynllun, mewn cysylltiad â chyflogaeth gynllun, ar y gyfradd gyfraniadau sy'n gymwys i'r tâl pensiynadwy blynyddol a gaiff yr aelod hwnnw yn y cyfnod tâl sy'n cynnwys 1 Ebrill ar gyfer y gyflogaeth honno (neu, yn achos aelod actif y mae ei aelodaeth yn cychwyn ar ôl 1 Ebrill mewn unrhyw flwyddyn, y gyfradd gyfraniadau sy'n gymwys i'r tâl pensiynadwy blynyddol y mae'r aelod yn ei gael ar ddechrau'r aelodaeth honno).

Commutation of part of pension

118.—(1) A pension credit member who becomes entitled to payment of a pension credit member's pension under this scheme may opt to exchange part of the pension for a lump sum.

(2) The option may only be exercised by notice—

(a) to the scheme manager not earlier than four months before the later of—

(i) the date on which the pension sharing order comes into effect, and

(ii) the date on which the person attains deferred pension age;

(b) in such form as the scheme manager requires; and

(c) given before the first payment of the pension is made.

(3) If a pension credit member exercises the option under this regulation, for every £1 by which the amount of the member's annual rate of pension is reduced, the member is to be paid a lump sum of £12.

(4) The commuted portion must not exceed one quarter of the amount of the pension credit member's pension.

(5) A pension credit member may not exchange pension for a lump sum under this regulation to the extent that it would result in a scheme chargeable payment for the purposes of Part 4 (pension scheme etc.) of FA 2004 (see section 241 of that Act).

(6) This regulation does not apply if the pension debit member from whose rights the pension is derived received a lump sum under Part 5 (retirement benefits) before the date on which the pension sharing order takes effect.

PART 8

Contributions

CHAPTER 1

Member contributions

Member contributions

119.—(1) Subject to regulations 120 to 122 (contributions during absences), an active member of this scheme must pay contributions to the scheme in respect of a scheme employment at the contribution rate applicable to the annual pensionable pay which that member is receiving in the pay period in which 1 April falls for that employment (or, in the case of an active member whose membership commences after 1 April in any year, to the annual pensionable pay the member receives at the commencement of that membership).

(2) Mae'r gyfradd gyfraniadau sy'n gymwys i gyflogaeth gynllun fel y'i pennir yn y tabl canlynol, gyda'r gyfradd gyfraniadau a bennir yn y golofn briodol ar gyfer y flwyddyn i'w hystyried yn gymwysadwy i'r ystod tâl pensiynadwy a bennir yn y golofn gyntaf, y mae tâl pensiynadwy blynyddol yr aelod actif, wedi ei dalgrynnu i lawr i'r bunt agosaf gyfan, yn perthyn iddo:

Ystod tâl pensiynadwy ar gyfer cyflogaeth	*Cyfradd gyfraniadau 1 Ebrill 2015-31 Mawrth 2016*
Hyd at £27,000	10.0%
£27,001 i £50,000	12.2%
£50,001 i £142,500	13.5%
£142,501 neu fwy	14.5%

Ystod tâl pensiynadwy ar gyfer cyflogaeth	*Cyfradd gyfraniadau 1 Ebrill 2016 – 31 Mawrth 2017*
Hyd at £27,270	10.0%
£27,271 i £50,500	12.5%
£50,501 i £142,500	13.5%
£142,501 neu fwy	14.5%

Ystod tâl pensiynadwy ar gyfer cyflogaeth	*Cyfradd gyfraniadau 1 Ebrill 2017 – 31 Mawrth 2018*
Hyd at £27,543	10.5%
£27,544 i £51,005	12.7%
£51,006 i £142,500	13.5%
£142,501 neu fwy	14.5%

Ystod tâl pensiynadwy ar gyfer cyflogaeth	*Cyfradd gyfraniadau o 1 Ebrill 2018 ymlaen*
Hyd at £27,818	11.0%
£27,819 i £51,515	12.9%
£51,516 i £142,500	13.5%
£142,501 neu fwy	14.5%

(3) At ddiben colofn gyntaf y tabl, rhaid i swm tâl pensiynadwy diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol, fod yn dâl cyfeirio'r diffoddwr tân hwnnw.

(4) At ddiben colofn gyntaf y tabl, rhaid i swm tâl pensiynadwy diffoddwr tân rheolaidd rhan-amser fod yn swm tâl pensiynadwy diffoddwr tân rheolaidd amser llawn sydd â rôl gyfatebol a hyd gwasanaeth cyfwerth.

(2) The contribution rate applicable to a scheme employment is as specified in the following table, with the contribution rate specified in the appropriate column for the year to be considered applicable to the range of pensionable pay specified in the first column into which the active member's annual pensionable pay, rounded down to the nearest whole pound, falls:

Pensionable pay range for an employment	*Contribution rate 1 April 2015-31 March 2016*
Up to £27,000	10.0%
£27,001 to £50,000	12.2%
£50,001 to £142,500	13.5%
£142,501 or more	14.5%

Pensionable pay range for an employment	*Contribution rate 1 April 2016 – 31 March 2017*
Up to £27,270	10.0%
£27,271 to £50,500	12.5%
£50,501 to £142,500	13.5%
£142,501 or more	14.5%

Pensionable pay range for an employment	*Contribution rate 1 April 2017 – 31 March 2018*
Up to £27,543	10.5%
£27,544 to £51,005	12.7%
£51,006 to £142,500	13.5%
£142,501 or more	14.5%

Pensionable pay range for an employment	*Contribution rate from 1 April 2018*
Up to £27,818	11.0%
£27,819 to £51,515	12.9%
£51,516 to £142,500	13.5%
£142,501 or more	14.5%

(3) The amount of pensionable pay of a retained or volunteer firefighter for the purpose of the first column of the table must be that firefighter's reference pay.

(4) The amount of pensionable pay of a part-time regular firefighter for the purpose of the first column of the table must be the amount of pensionable pay of a whole-time regular firefighter of equivalent role and length of service.

(5) Pan fo newid yn digwydd mewn cyflogaeth gynllun, neu unrhyw newid perthnasol sy'n effeithio ar dâl pensiynadwy yr aelod yn ystod blwyddyn ariannol, a swm diwygiedig y tâl pensiynadwy yn dod o fewn ystod cyfradd gyfraniadau gwahanol, rhaid i'r rheolwr cynllun benderfynu bod rhaid cymhwyso'r gyfradd honno, a rhaid iddo roi gwybod i'r aelod pa gyfradd gyfraniadau a gymhwysir ac o ba ddyddiad y'i cymhwysir.

(6) Pan fo'r rheolwr cynllun wedi penderfynu o dan baragraff (5) fod cyfradd gyfraniadau wahanol yn gymwys, rhaid i'r aelod dalu cyfraniadau yn ôl y gyfradd honno, ar y tâl pensiynadwy y mae'r aelod hwnnw'n ei gael ar yr adeg honno.

(7) At y diben o ganfod pa gyfradd gyfraniadau sy'n gymwys o dan y rheoliad hwn, rhaid diystyru unrhyw ostyngiad mewn tâl pensiynadwy sy'n digwydd o ganlyniad i unrhyw un o'r amgylchiadau canlynol—

(a) mwynhad, neu fwynhad tybiedig, gan yr aelod o unrhyw hawlogaeth statudol yn ystod unrhyw gyfnod i ffwrdd o'i waith;

(b) absenoldeb cysylltiedig â phlentyn;

(c) absenoldeb gyda chaniatâd;

(d) absenoldeb salwch;

(e) absenoldeb oherwydd anaf;

(f) absenoldeb gwasanaeth lluoedd wrth gefn;

(g) absenoldeb oherwydd anghydfod undebol; neu

(h) amgylchiadau a bennir gan y rheolwr cynllun mewn achos penodol.

(8) Yn y Rheoliadau hyn, ystyr "cyfraniadau aelod" ("*member contributions*") yw cyfraniadau y mae aelod actif yn eu talu, o dan y rheoliad hwn a rheoliadau 120 i 122 (cyfraniadau yn ystod absenoldebau o'r gwaith).

(5) Where there is a change in scheme employment, or a material change which affects the member's pensionable pay in the course of a financial year and the revised amount of the pensionable pay falls into a different contribution rate range, the scheme manager must determine that this rate must be applied and the scheme manager must inform the member of the contribution rate applicable and the date from which it is to be applied.

(6) Where the scheme manager has determined under paragraph (5) that a different contribution rate applies, the member must pay contributions at that rate on the pensionable pay which that member is receiving at that time.

(7) For the purposes of identifying which is the applicable contribution rate under this regulation, any reduction in pensionable pay which arises as a consequence of any of the following circumstances is to be disregarded—

(a) the actual or assumed enjoyment by the member of any statutory entitlement during any period away from work;

(b) child-related leave;

(c) leave of absence with permission;

(d) sick leave;

(e) leave due to injury;

(f) reserve forces service leave;

(g) absence due to a trade dispute; or

(h) circumstances specified by the scheme manager in a particular case.

(8) In these Regulations, "member contributions" ("*cyfraniadau aelod*") means contributions which an active member pays under this regulation, and regulations 120 to 122 (contributions during absences from work).

Cyfraniadau yn ystod absenoldeb o'r gwaith oherwydd salwch, anaf, anghydfod undebol neu absenoldeb awdurdodedig

120.—(1) Rhaid i aelod actif sy'n absennol o gyflogaeth gynllun oherwydd salwch neu anaf dalu cyfraniadau yn ôl y gyfradd gyfraniadau a bennir yn unol â rheoliad 119 (cyfraniadau aelod) wedi ei lluosi gyda swm unrhyw dâl pensiynadwy a gaiff, gan gynnwys tâl statudol.

(2) Os yw aelod actif yn absennol o gyflogaeth gynllun oherwydd salwch neu anaf ac nad oes hawl ganddo i gael tâl pensiynadwy (gan gynnwys tâl statudol) am unrhyw gyfnod, caiff yr aelod hwnnw dalu cyfraniadau yn ôl y gyfradd gyfraniadau a ganfyddir yn unol â rheoliad 119 (cyfraniadau aelod) wedi ei lluosi gyda swm y tâl pensiynadwy yr oedd yr aelod wedi ei gael yn union cyn atal y tâl ac, os yw'n

Contributions during absence from work due to illness, injury, trade dispute or authorised absence

120.—(1) An active member who is absent from scheme employment by reason of illness or injury must pay contributions at the contribution rate ascertained in accordance with regulation 119 (member contributions) multiplied by the amount of any pensionable pay received, including statutory pay.

(2) If an active member is absent from scheme employment by reason of illness or injury and is not entitled to receive pensionable pay (including statutory pay) for any period, that member may pay contributions at the contribution rate ascertained in accordance with regulation 119 (member contributions) multiplied by the amount of pensionable pay received immediately before the cessation of pay

ofynnol gan y cyflogwr cynllun, rhaid iddo dalu swm y cyfraniad cyflogwr y byddai'n ofynnol, fel arall, i'r cyflogwr cynllun ei dalu gan reoliad 126(3) (cyfraniadau cyflogwr).

(3) Os yw aelod actif yn absennol ynglŷn ag anghydfod undebol, caiff yr aelod wneud dewisiad i dalu'r cyfraniadau yn ôl y gyfradd gyfraniadau a ganfyddir yn unol â rheoliad 119 (cyfraniadau aelod) wedi ei lluosi gyda swm y tâl pensiynadwy tybiedig y trinnir yr aelod hwnnw fel pe bai'n ei gael ac, os yw'n ofynnol gan y cyflogwr cynllun, rhaid iddo dalu swm y cyfraniad cyflogwr y byddai'n ofynnol, fel arall, i'r cyflogwr cynllun ei dalu gan reoliad 126(3) (cyfraniadau cyflogwr).

(4) Os yw aelod actif i ffwrdd o'i waith yn ystod cyfnod o absenoldeb di-dâl awdurdodedig, caiff yr aelod wneud dewisiad i dalu cyfraniadau yn ôl y gyfradd gyfraniadau a ganfyddir yn unol â rheoliad 119 (cyfraniadau aelod) wedi ei lluosi gyda swm y tâl pensiynadwy tybiedig y trinnir yr aelod hwnnw fel pe bai'n ei gael ac, os yw'n ofynnol gan y cyflogwr cynllun, talu swm y cyfraniadau cyflogwr y byddai'n ofynnol, fel arall, i'r cyflogwr cynllun ei dalu gan reoliad 126(3) (cyfraniadau cyflogwr).

(5) Pan fo paragraff (2), (3) neu (4) yn gymwys, rhaid talu'r cyfraniadau cyn diwedd y cyfnod o chwe mis sy'n dechrau gyda'r dyddiad y trinnir yr aelod fel pe bai'n cael tâl pensiynadwy tybiedig.

Cyfraniadau yn ystod absenoldeb o'r gwaith ar absenoldeb gwasanaeth lluoedd wrth gefn

121.—(1) Rhaid i aelod actif sydd ar absenoldeb gwasanaeth lluoedd wrth gefn ac a drinnir fel pe bai'n cael tâl pensiynadwy tybiedig, dalu cyfraniadau yn ôl y gyfradd gyfraniadau a ganfyddir yn unol â rheoliad 119 (cyfraniadau aelod).

(2) Cyfrifir swm y cyfraniadau sydd i'w talu drwy luosi'r gyfradd gyfraniadau gyda'r lleiaf o'r symiau canlynol—

(a) y tâl pensiynadwy tybiedig;

(b) cyfanswm y tâl gwirioneddol a gafwyd ac unrhyw daliad ychwanegol a wnaed gan y cyflogwr cynllun.

Cyfraniadau yn ystod absenoldeb cysylltiedig â phlentyn

122.—(1) Rhaid i aelod actif sydd ar absenoldeb cysylltiedig â phlentyn dalu cyfraniadau yn ôl y gyfradd gyfraniadau a ganfyddir yn unol â rheoliad 119 (cyfraniadau aelod) wedi ei lluosi gyda swm unrhyw dâl pensiynadwy a gaiff, gan gynnwys tâl statudol, ond nid yw'r tâl hwnnw'n cynnwys unrhyw swm sy'n gostwng y tâl pensiynadwy gwirioneddol yr aelod oherwydd hawl bosibl i gael tâl statudol.

and if required by the scheme employer, must pay the amount of employer contribution which the scheme employer would otherwise be required to pay by regulation 126(3) (employer contributions).

(3) If an active member is absent on a trade dispute, the member may elect to pay the contributions at the contribution rate ascertained in accordance with regulation 119 (member contributions) multiplied by the assumed pensionable pay that member is treated as receiving and, if required by the scheme employer, must pay the amount of employer contribution which the scheme employer would otherwise be required to pay by regulation 126(3) (employer contributions).

(4) If an active member is away from work during a period of authorised unpaid absence, the member may elect to pay contributions at the contribution rate ascertained in accordance with regulation 119 (member contributions) multiplied by the assumed pensionable pay that member is treated as receiving and, if required by the scheme employer, must pay the amount of employer contributions which the scheme employer would otherwise be required to pay by regulation 126(3) (employer contributions).

(5) Where paragraph (2), (3) or (4) applies, the contributions must be paid before the end of the period of six months starting with the date on which the member is treated as receiving assumed pensionable pay.

Contributions during absence from work on reserve forces service leave

121.—(1) An active member who is on reserve forces service leave and who is treated as receiving assumed pensionable pay must pay contributions at the contribution rate ascertained in accordance with regulation 119 (member contributions).

(2) The amount of the contributions to be paid is calculated by multiplying the contribution rate by the lesser of the following amounts—

(a) assumed pensionable pay;

(b) the total of the actual pay received and any additional payment made by the scheme employer.

Contributions during child-related leave

122.—(1) An active member on child-related leave must pay contributions at the contribution rate ascertained in accordance with regulation 119 (member contributions) multiplied by any pensionable pay received, including statutory pay, but that pay does not include any amount that reduces the member's actual pensionable pay on account of possible entitlement to statutory pay.

(2) Os yw aelod actif ar absenoldeb mamolaeth arferol, absenoldeb tadolaeth neu absenoldeb mabwysiadu arferol ac nad oes hawl ganddo i gael tâl pensiynadwy (gan gynnwys tâl statudol) am unrhyw ran o'r cyfnod hwnnw o absenoldeb, trinnir yr aelod hwnnw at ddibenion y Rheoliadau hyn fel pe bai'r aelod hwnnw wedi talu cyfraniadau am y cyfnod di-dâl hwnnw o dan baragraff (1).

(3) Caiff aelod actif sydd ar absenoldeb mamolaeth ychwanegol, absenoldeb tadolaeth ychwanegol, absenoldeb mabwysiadu ychwanegol neu absenoldeb rhiant, nad oes hawl ganddo i gael unrhyw dâl pensiynadwy (gan gynnwys tâl statudol) am unrhyw ran o'r cyfnod o absenoldeb cysylltiedig â phlentyn, wneud dewisiad i dalu cyfraniadau yn ôl y gyfradd gyfraniadau a ganfyddir yn unol â rheoliad 119 (cyfraniadau aelod) wedi ei lluosi gyda swm y tâl pensiynadwy tybiedig y trinnir yr aelod hwnnw fel pe bai'n ei gael.

(4) Ni chaniateir gwneud dewisiad i dalu cyfraniadau ac eithrio cyn diwedd y cyfnod o 30 diwrnod sy'n dechrau gyda'r dyddiad y mae'r aelod hwnnw yn dychwelyd i'w waith ar ôl y cyfnod o absenoldeb cysylltiedig â phlentyn, neu, os nad yw'r aelod yn dychwelyd i'w waith, y diwrnod pan fo'r aelod yn peidio â bod yn gyflogedig gan y cyflogwr.

Didynnu a thalu cyfraniadau

123.—(1) Caiff y cyflogwr cynllun ddidynnu'r cyfraniadau y mae'n ofynnol eu talu o dan reoliad 119 (cyfraniadau aelodau) allan o bob rhandaliad o dâl pensiynadwy wrth iddo ddod yn ddyladwy, oni chytunwyd ar ddull arall o dalu rhwng y rheolwr cynllun a'r aelod.

(2) Caniateir didynnu cyfraniadau y mae'n ofynnol eu talu o dan reoliad 121(1) (cyfraniadau yn ystod absenoldeb o'r gwaith ar absenoldeb gwasanaeth lluoedd wrth gefn) allan o unrhyw daliad a wneir o dan Ran 5 o Ddeddf y Lluoedd Arfog Wrth Gefn ac Atodol (Diogelu Buddiannau Sifil) 1951(**1**), i'r graddau y maent yn daladwy mewn cysylltiad â'r un cyfnod.

(3) Caniateir talu cyfraniadau y mae'r aelod wedi gwneud dewisiad i'w talu, neu y mae'n ofynnol iddo'u talu, o dan reoliadau 120 (cyfraniadau yn ystod absenoldeb o'r gwaith oherwydd salwch, anaf, anghydfod undebol neu absenoldeb awdurdodedig) a 122 (cyfraniadau yn ystod absenoldeb cysylltiedig â phlentyn) fel cyfandaliad neu drwy ddidyniadau o randaliadau o dâl pensiynadwy, fel y cytunir rhwng y rheolwr cynllun a'r aelod.

(2) If an active member is on ordinary maternity leave, paternity leave or ordinary adoption leave and is not entitled to receive pensionable pay (including statutory pay) for any of that period, that member is treated for the purposes of these Regulations as if that member had paid contributions for that unpaid period under paragraph (1).

(3) An active member on additional maternity leave, additional paternity leave, additional adoption leave or parental leave who is not entitled to receive any pensionable pay (including statutory pay) for any of the period of child-related leave may elect to pay contributions at the contribution rate ascertained in accordance with regulation 119 (member contributions) multiplied by the assumed pensionable pay which that member is treated as receiving.

(4) An election to pay contributions may only be made before the end of the period of 30 days starting with the date on which that member returns to work after the period of child-related leave, or if the member does not return to work, the day on which the member ceases to be employed by the employer.

Deduction and payment of contributions

123.—(1) The contributions required to be paid under regulation 119 (member contributions) may be deducted by the scheme employer from each instalment of pensionable pay as it becomes due unless another method of payment has been agreed between the scheme manager and the member.

(2) Contributions required to be paid under regulation 121(1) (contributions during absence from work on reserve forces service leave) may be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(**1**) to the extent that they are payable in respect of the same period.

(3) Contributions which the member has elected to pay, or is required to pay, under regulations 120 (contributions during absence from work due to illness, injury, trade dispute or authorised absence) and 122 (contributions during child-related leave) may be paid by a lump sum or by deduction from instalments of pensionable pay as agreed between the scheme manager and the member.

(**1**) 1951 p. 65.

(**1**) 1951 c. 65.

Atodlen 1 (taliadau ar gyfer pensiwn ychwanegol)

124. Mae Atodlen 1 yn cael effaith (gan gynnwys ynglŷn â didynnu taliadau ar gyfer pensiwn ychwanegol).

PENNOD 2

Ad-dalu cyfraniadau aelod

Ad-dalu holl gyfraniadau aelod a'r holl daliadau ar gyfer pensiwn ychwanegol a wnaed gan aelod

125.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â chyfnod di-dor o wasanaeth pensiynadwy o dan y cynllun.

(2) Mae holl gyfraniadau aelod a thaliadau sy'n deillio o ddewisiad i wneud cyfraniadau pensiwn ychwanegol o dan Atodlen 1 yn ad-daladwy—

(a) os yw rheoliad 24 (optio allan cyn diwedd y tri mis cyntaf) yn gymwys; neu

(b) os yw'r aelod yn peidio â bod mewn gwasanaeth pensiynadwy o dan y cynllun hwn ac—

(i) bod gan yr aelod lai na thri mis o wasanaeth cymwys,

(ii) os yw unrhyw daliad trosglwyddo a gafodd y cynllun hwn mewn perthynas â'r aelod, wedi dod o gynllun pensiwn galwedigaethol arall, a

(iii) bod yr aelod heb gyrraedd oedran LlPG o dan y cynllun hwn.

(3) Os yw paragraff (2)(b) yn gymwys, mae hawl gan yr aelod i gael taliad o swm sy'n hafal i gyfanswm unrhyw gyfraniadau aelod a thaliadau am bensiwn ychwanegol a wnaed gan yr aelod, llai swm sy'n hafal i'r dreth incwm sy'n daladwy o dan adran 205 o DC 2004 (treth a godir ar gyfandaliad o ad-daliad gwasanaeth byr) o ganlyniad i ad-dalu'r cyfraniadau a'r taliadau hynny(**1**).

(4) Os ad-delir yr holl gyfraniadau aelod a thaliadau am bensiwn ychwanegol a wnaed gan yr aelod o dan y rheoliad hwn, mae hawliau'r aelod mewn perthynas â'r cyfnod o wasanaeth pensiynadwy o dan y cynllun hwn wedi eu diddymu.

(**1**) Diwygiwyd adran 205 gan baragraff 121 o Atodlen 46 i Ddeddf Cyllid 2013 (p. 29) a chan O.S. 2010/536.

Schedule 1 (payments for added pension)

124. Schedule 1 has effect (including as to deduction of payments for added pension).

CHAPTER 2

Refund of member contributions

Refund of all member contributions and payments for added pension made by member

125.—(1) This regulation applies in relation to a continuous period of pensionable service under the scheme.

(2) All member contributions and payments resulting from the election to make additional pension contributions under Schedule 1 are refundable if—

(a) regulation 24 (opting out before the end of the first three months) applies; or

(b) the member ceases to be in pensionable service under this scheme and—

(i) the member has less than three months qualifying service,

(ii) if a transfer payment has been received by this scheme in relation to the member, it was from another occupational pension scheme, and

(iii) the member has not reached GMP age under this scheme.

(3) If paragraph (2)(b) applies, the member is entitled to be paid an amount equal to the sum of any member contributions and payments for added pension made by the member, less an amount equal to the income tax payable under section 205 of FA 2004 (short service refund lump sum charge) as a result of a refund of those contributions and payments(**1**).

(4) If all member contributions and payments for added pension made by the member are refunded under this regulation, the member's rights under this scheme in relation to the period of pensionable service are extinguished.

(**1**) Section 205 was amended by the Finance Act 2013 (c. 29) Schedule 46, paragraph 121 and S.I. 2010/536.

PENNOD 3

Cyfraniadau cyflogwr

Cyfraniadau cyflogwr

126.—(1) Rhaid i Weinidogion Cymru, ar ôl ymgynghori ag actiwari'r cynllun, benderfynu'r gyfradd cyfraniadau cyflogwr.

(2) Rhaid i gyflogwr aelod actif o'r cynllun hwn dalu cyfraniadau i'r cynllun yn ôl cyfradd cyfraniadau cyflogwr ar enillion pensiynadwy'r aelod hwnnw.

(3) Rhaid i gyflogwr aelod actif a drinnir o dan reoliad 27 (ystyr "tâl pensiynadwy tybiedig") fel pe bai'n cael tâl pensiynadwy tybiedig, dalu cyfraniadau yn ôl cyfradd cyfraniadau cyflogwr ar y tâl pensiynadwy tybiedig y trinnir yr aelod fel pe bai'n ei gael.

(4) Rhaid i Weinidogion Cymru hysbysu'r rheolwr cynllun ynglŷn â'r gyfradd cyfraniadau cyflogwr, ac o ba ddyddiad y bydd yn cael effaith.

(5) Yn y Rheoliadau hyn, ystyr "cyfraniad cyflogwr" ("*employer contribution*") yw'r cyfraniadau taladwy o dan baragraff (2) neu (3) o'r rheoliad hwn.

Cyfraniad ychwanegol cyflogwr: dyfarniad afiechyd

127.—(1) Pan fo aelod (U) wedi ymddeol gyda'r hawl i gael taliad ar unwaith o bensiwn afiechyd haen uchaf a phensiwn afiechyd haen isaf o dan reoliad 74(2) (hawlogaeth i bensiwn afiechyd haen isaf a phensiwn afiechyd haen uchaf), rhaid i gyflogwr U dalu cyfraniad ychwanegol afiechyd haen uchaf.

(2) Swm y cyfraniad ychwanegol afiechyd haen uchaf yw'r swm a benderfynir, ac yr hysbysir cyflogwr U ohono, gan Weinidogion Cymru.

(3) Pan fo aelod (I) wedi ymddeol gyda'r hawl i gael taliad ar unwaith o bensiwn afiechyd haen isaf ond heb unrhyw hawl i gael pensiwn afiechyd haen uchaf, rhaid i gyflogwr I dalu cyfraniad ychwanegol afiechyd haen isaf.

(4) Swm y cyfraniad ychwanegol afiechyd haen isaf yw'r swm a benderfynir, ac yr hysbysir cyflogwr I ohono, gan Weinidogion Cymru.

(5) Rhaid i'r cyflogwr dalu'r cyfraniad ychwanegol afiechyd haen uchaf neu'r cyfraniad ychwanegol afiechyd haen isaf, yn ôl fel y digwydd, mewn rhandaliadau cyfartal sy'n ddyladwy ar:

(a) y dyddiad y mae'r aelod yn ymddeol;

(b) 1 Ebrill yn y flwyddyn ariannol sy'n dilyn y flwyddyn ariannol pan dalwyd y rhandaliad cyntaf; ac

CHAPTER 3

Employer contributions

Employer contributions

126.—(1) The Welsh Ministers must, after consultation with the scheme actuary, determine the employer contribution rate.

(2) The employer of an active member of this scheme must pay contributions to the scheme at the employer contribution rate on that member's pensionable earnings.

(3) The employer of an active member who is treated under regulation 27 (meaning of "assumed pensionable pay") as receiving assumed pensionable pay must pay contributions at the employer contribution rate on the assumed pensionable pay that the member is treated as receiving.

(4) The Welsh Ministers must notify the scheme manager of the employer contribution rate and the date from which it will take effect.

(5) In these Regulations, "employer contribution" ("*cyfraniad cyflogwr*") means the contributions payable under paragraph (2) or (3) of this regulation.

Employer additional contribution: ill-health award

127.—(1) Where a member (H) has retired with an entitlement to the immediate payment of a higher tier ill-health pension and a lower tier ill-health pension under regulation 74(2) (entitlement to lower tier ill-health pension and higher tier ill-health pension), H's employer must pay a higher tier ill-health additional contribution.

(2) The amount of the higher tier ill-health additional contribution is the amount determined and notified to H's employer by the Welsh Ministers.

(3) Where a member (L) has retired with an entitlement to the immediate payment of a lower tier ill-health pension and without any entitlement to a higher tier ill-health pension, L's employer must pay a lower tier ill-health additional contribution.

(4) The amount of the lower tier ill-health additional contribution is the amount determined and notified to L's employer by the Welsh Ministers.

(5) The employer must pay the higher tier ill health additional contribution or the lower tier ill health additional contribution, as the case may be, in equal instalments due on:

(a) the date on which the member retires;

(b) 1 April of the financial year following the financial year in which the first instalment was paid; and

(c) 1 Ebrill yn y flwyddyn ariannol sy'n dilyn y flwyddyn ariannol pan dalwyd yr ail randaliad.

Ad-dalu cyfraniad ychwanegol cyflogwr ar gyfer dyfarniad afiechyd, yn dilyn adolygiad

128.—(1) Yn ddarostyngedig i baragraff (2), pan fo'r rheolwr cynllun, o dan reoliad 77 (adolygu dyfarniad afiechyd neu daliad o bensiwn ymddeol yn gynnar), wedi ystyried hawlogaeth aelod (P) i gael dyfarniad afiechyd, a hawlogaeth P i gael naill ai pensiwn afiechyd haen uchaf neu bensiwn afiechyd haen isaf wedi dod i ben, neu hawlogaeth P i gael y ddau bensiwn wedi dod i ben, o ganlyniad i'r adolygiad hwnnw, rhaid i'r rheolwr cynllun dalu'r swm a bennir ym mharagraff (3) neu (5), yn ôl fel y digwydd, i'r cyflogwr.

(2) Pan fo'r cyflogwr wedi talu'r holl randaliadau o gyfraniadau ychwanegol afiechyd haen uchaf sy'n ofynnol gan reoliad 127 (cyfraniad ychwanegol cyflogwr: dyfarniad afiechyd), nid yw'n ofynnol bod y rheolwr cynllun yn talu i'r cyflogwr y swm a grybwyllir ym mharagraff (3).

(3) Os yw hawlogaeth P i gael pensiwn afiechyd haen uchaf yn dod i ben o ganlyniad i adolygiad o dan reoliad 77 (adolygu dyfarniad afiechyd neu daliad o bensiwn ymddeol yn gynnar) a hawlogaeth P i gael pensiwn afiechyd haen isaf yn parhau, rhaid i'r rheolwr cynllun dalu i'r cyflogwr swm sy'n hafal i'r gwahaniaeth rhwng y rhandaliadau o'r cyfraniad ychwanegol afiechyd haen uchaf sydd wedi eu talu o dan reoliad 127(1) (cyfraniad ychwanegol cyflogwr: dyfarniad afiechyd) a'r rhandaliadau o'r cyfraniad ychwanegol afiechyd haen isaf a fyddai wedi bod yn ofynnol eu talu o dan reoliad 127(3) (cyfraniad ychwanegol cyflogwr: dyfarniad afiechyd) pe bai'r pensiwn afiechyd haen isaf yn unig wedi bod yn daladwy ("y taliad tybiannol").

(4) Rhaid i'r rheolwr cynllun benderfynu swm y taliad tybiannol sy'n daladwy o dan baragraff (3).

(5) Os yw hawlogaeth P i gael pensiwn afiechyd haen uchaf a phensiwn afiechyd haen isaf neu, yn ôl fel y digwydd, hawlogaeth P i gael pensiwn afiechyd haen isaf, yn dod i ben o ganlyniad i adolygiad o dan reoliad 77 (adolygu dyfarniad afiechyd neu daliad o bensiwn ymddeol yn gynnar) ac nad yw'r cyflogwr wedi talu'r holl randaliadau o'r cyfraniad ychwanegol afiechyd haen uchaf neu'r cyfraniad ychwanegol afiechyd haen isaf fel sy'n ofynnol gan reoliad 127 (cyfraniad ychwanegol cyflogwr: dyfarniad afiechyd), rhaid i'r rheolwr cynllun ad-dalu i'r cyflogwr unrhyw randaliadau o'r cyfraniad ychwanegol afiechyd haen uchaf neu o'r cyfraniad ychwanegol afiechyd haen isaf, yn ôl fel y digwydd, a dalwyd mewn cysylltiad â P ac ni fydd unrhyw randaliadau pellach yn ddyladwy mewn cysylltiad â P.

(c) 1 April of the financial year following the financial year in which the second instalment was paid.

Refund of employer additional contribution for ill health award following review

128.—(1) Subject to paragraph (2), where the scheme manager has considered the entitlement of a member (P) to an ill-health award under regulation 77 (review of ill-health award or early payment of retirement pension) and as a consequence of that review the entitlement of P to either a higher tier ill-health pension or a lower tier ill-health pension has ceased, or the entitlement of P to both pensions has ceased, the scheme manager must pay the amount specified in paragraph (3) or (5), as the case may be, to the employer.

(2) Where the employer has paid all the instalments of higher tier ill-health additional contributions required by regulation 127 (employer additional contribution: ill-health award), the scheme manager is not required to pay the employer the amount mentioned in paragraph (3).

(3) Where P, as a result of a review under regulation 77 (review of ill-health award or early payment of retirement pension), ceases to be entitled to a higher tier ill-health pension and remains entitled to a lower tier ill-health pension, the scheme manager must pay to the employer an amount equal to the difference between the instalments of higher tier ill-health additional contribution which have been paid under regulation 127(1) (employer additional contribution: ill-health award) and the instalments of the lower tier ill-health additional contribution which would have been required to be paid under regulation 127(3) (employer additional contribution: ill-health award) if only the lower tier ill-health pension had been payable ("the notional payment").

(4) The scheme manager must determine the amount of the notional payment payable under paragraph (3).

(5) Where P, as a result of a review under regulation 77 (review of ill-health award or early payment of retirement pension), ceases to be entitled to a higher tier ill health pension and to a lower tier ill-health pension or to a lower tier ill-health pension, as the case may be, and the employer has not paid all the instalments of higher tier ill-health additional contribution or lower tier ill-health additional contribution as required by regulation 127 (employer additional contribution: ill-health award), the scheme manager must repay to the employer any instalments of higher tier ill-health additional contribution or lower tier ill-health additional contribution, as the case may be, which have been paid in respect of P and no further instalments will be due in respect of P.

Cyfraniad ychwanegol cyflogwr: ymddeoliad a ysgogir gan gyflogwr

129.—(1) Pan fo cyflogwr wedi gwneud penderfyniad o dan reoliad 71 (ymddeoliad a ysgogir gan gyflogwr) i dalu i aelod actif nad yw wedi cyrraedd oedran pensiwn arferol bensiwn a gyfrifir yn unol â rheoliad 68 (cyfradd flynyddol pensiwn ymddeol (aelodau actif)) heb wneud y gostyngiad talu'n gynnar, rhaid i'r cyflogwr dalu'r cyfraniad ychwanegol ymddeoliad a ysgogir gan gyflogwr i'r cynllun.

(2) Cyfrifir swm y cyfraniad ychwanegol ymddeoliad a ysgogir gan gyflogwr yn unol â chanllawiau actiwaraidd, a rhaid i'r canllawiau actiwaraidd hynny roi sylw i'r gwahaniaeth rhwng y pensiwn sy'n daladwy o dan reoliad 71 (ymddeoliad a ysgogir gan gyflogwr) a'r pensiwn sy'n daladwy o dan reoliad 68 (cyfradd flynyddol pensiwn ymddeol (aelodau actif)) wedi ei ostwng yn unol â rheoliad 70(3) (gostyngiad talu'n gynnar).

Employer additional contribution: employer initiated retirement

129.—(1) Where an employer has made a determination under regulation 71 (employer initiated retirement) to pay an active member who has not attained normal pension age a pension calculated in accordance with regulation 68 (annual rate of retirement pension (active members)) without making the early payment reduction, the employer must pay to the scheme the employer initiated retirement additional contribution.

(2) The amount of the employer initiated retirement additional contribution is calculated in accordance with actuarial guidance and that actuarial guidance must have regard to the difference between the pension that is payable under regulation 71 (employer initiated retirement) and the pension payable under regulation 68 (annual rate of retirement pension (active members)) reduced in accordance with regulation 70(3) (early payment reduction).

RHAN 9

Cronfa Bensiwn y Diffoddwyr Tân

Dehongli'r Rhan

130. Yn y Rhan hon—

ystyr "amcangyfrif" ("*estimate*") yw'r wybodaeth y cyfeirir ati yn rheoliad 134(1)(a) a (b) (gwybodaeth sydd i'w darparu i Weinidogion Cymru);

ystyr "amcangyfrif diwygiedig" ("*revised estimate*") yw'r wybodaeth ddiwygiedig y cyfeirir ati yn rheoliad 134(4);

ystyr "blwyddyn ariannol berthnasol" ("*relevant financial year*") yw blwyddyn ariannol sy'n diweddu ar neu ar ôl 31 Mawrth 2016, y mae'n ofynnol, o dan reoliad 134(1), bod y rheolwr cynllun yn darparu gwybodaeth i Weinidogion Cymru mewn cysylltiad â hi;

mae i "CBDT" ("*FPF*") yr ystyr a roddir yn rheoliad 131 (sefydlu Cronfa Bensiwn y Diffoddwyr Tân);

ystyr "yr wybodaeth archwiliedig" ("*the audited information*") yw—

(a) y cyfrifon archwiliedig y cyfeirir atynt yn rheoliad 134(1)(d),

(b) unrhyw adroddiad gan yr archwilydd mewn perthynas â'r cyfrifon hynny, ac

(c) os yw'r rheolwr cynllun yn diwygio'r wybodaeth y cyfeirir ati yn rheoliad 134(1)(e) ac (f), yr wybodaeth ddiwygiedig honno;

PART 9

Firefighters' Pension Fund

Interpretation of Part

130. In this Part—

"the audited information" ("*yr wybodaeth archwiliedig*") means—

(a) the audited accounts referred to in regulation 134(1)(d),

(b) any report by the auditor in relation to those accounts, and

(c) if the scheme manager revises the information referred to in regulation 134(1)(e) and (f), that revised information;

"FPF" ("*CBDT*") has the meaning given in regulation 131 (establishment of Firefighters' Pension Fund);

"estimate" ("*amcangyfrif*") means the information referred to in regulation 134(1)(a) and (b) (information to be provided to the Welsh Ministers);

"relevant financial year" ("*blwyddyn ariannol berthnasol*") means a financial year ending on or after 31 March 2016 in respect of which the scheme manager is required by regulation 134(1) to provide information to the Welsh Ministers; and

"revised estimate" ("*amcangyfrif diwygiedig*") means the revised information referred to in regulation 134(4);

ystyr "yr wybodaeth nas archwiliwyd" ("*the un-audited information*") yw'r wybodaeth y cyfeirir ati yn rheoliad 134(1)(c), (e) ac (f).

Sefydlu Cronfa Bensiwn y Diffoddwyr Tân

131. Rhaid i Gronfa Bensiwn y Diffoddwyr Tân a sefydlwyd ac a gynhelir gan y rheolwr cynllun at ddibenion Cynllun 1992, ac a ddefnyddir hefyd gan y rheolwr cynllun ar gyfer taliadau a derbyniadau sy'n ofynnol neu yr awdurdodir eu gwneud o dan CPNDT, gael ei defnyddio hefyd at ddibenion taliadau a derbyniadau sy'n ofynnol neu yr awdurdodir eu gwneud o dan y Rheoliadau hyn.

Taliadau i mewn i Gronfa Bensiwn y Diffoddwyr Tân

132. Rhaid i'r rheolwr cynllun dalu i mewn i'r CBDT—

(a) unrhyw gyfraniad cyflogwr a delir gan y cyflogwr, sy'n ofynnol gan reoliad 126 (cyfraniadau cyflogwr);

(b) unrhyw gyfraniad ychwanegol cyflogwr a delir gan y cyflogwr mewn cysylltiad â phensiwn afiechyd haen uchaf, sy'n ofynnol gan reoliad 127(1) (cyfraniad ychwanegol cyflogwr: dyfarniad afiechyd);

(c) unrhyw gyfraniad ychwanegol cyflogwr a delir gan y cyflogwr mewn cysylltiad â phensiwn afiechyd haen isaf, sy'n ofynnol gan reoliad 127(3) (cyfraniad ychwanegol cyflogwr: dyfarniad afiechyd);

(d) unrhyw gyfraniad ychwanegol cyflogwr a delir gan y cyflogwr mewn cysylltiad ag ymddeoliad a ysgogir gan gyflogwr, sy'n ofynnol gan reoliad 129(1) (cyfraniad ychwanegol cyflogwr: ymddeoliad a ysgogir gan gyflogwr);

(e) unrhyw gyfraniadau aelodau a delir o dan reoliad 119 (cyfraniadau aelodau), rheoliad 120 (cyfraniadau yn ystod absenoldeb o'r gwaith oherwydd salwch, anaf, anghydfod undebol neu absenoldeb awdurdodedig), rheoliad 121 (cyfraniadau yn ystod absenoldeb o'r gwaith ar absenoldeb gwasanaeth lluoedd wrth gefn), neu reoliad 122 (cyfraniadau yn ystod absenoldeb cysylltiedig â phlentyn);

(f) unrhyw gyfraniadau aelodau ar gyfer pensiwn ychwanegol a delir o dan Atodlen 1 (taliadau ar gyfer pensiwn ychwanegol);

(g) unrhyw daliad gwerth trosglwyddiad clwb a dderbynnir; ac

(h) unrhyw daliad gwerth trosglwyddiad a dderbynnir.

"the un-audited information" ("*yr wybodaeth nas archwiliwyd*") means the information referred to in regulation 134(1)(c), (e) and (f).

Establishment of Firefighters' Pension Fund

131. The Firefighters' Pension Fund established and maintained by the scheme manager for the purposes of the 1992 Scheme, and used by the scheme manager for payments and receipts required or authorised to be made under the NFPS, must also be used for the purpose of payments and receipts required or authorised to be made under these Regulations.

Payments into the Firefighters' Pension Fund

132. The scheme manager must pay into the FPF—

(a) any employer contribution paid by the employer which is required by regulation 126 (employer contributions);

(b) any employer additional contribution paid by the employer in respect of a higher tier ill health pension which is required by regulation 127(1) (employer additional contribution: ill-health award);

(c) any employer additional contribution paid by the employer in respect of a lower tier ill health pension which is required by regulation 127(3) (employer additional contribution: ill-health award);

(d) any employer additional contribution paid by the employer in respect of an employer initiated retirement which is required by regulation 129(1) (employer additional contribution: employer initiated retirement);

(e) any member contributions paid under regulation 119 (member contributions), regulation 120 (contributions during absence from work due to illness, injury, trade dispute or authorised absence), regulation 121 (contributions during absence from work on reserve forces service leave) or regulation 122 (contributions during child-related leave);

(f) any member contributions for added pension paid under Schedule 1 (payments for added pension);

(g) any club transfer value payment received; and

(h) any transfer value payment received.

Taliadau sydd i'w gwneud allan o Gronfa Bensiwn y Diffoddwyr Tân

133. Rhaid i'r rheolwr cynllun wneud taliadau allan o'r CBDT mewn cysylltiad â'r canlynol—

(a) unrhyw ad-daliad o gyfraniadau a thaliadau aelod sy'n ofynnol gan reoliad 125 (ad-dalu holl gyfraniadau aelod a'r holl daliadau ar gyfer pensiwn ychwanegol a wnaed gan aelod);

(b) unrhyw ad-daliad o swm cyfraniad ychwanegol cyflogwr ar gyfer dyfarniad afiechyd o dan reoliad 128 (ad-dalu cyfraniad ychwanegol cyflogwr ar gyfer dyfarniad afiechyd, yn dilyn adolygiad);

(c) unrhyw bensiwn neu ddyfarniad sy'n daladwy o dan y cynllun hwn;

(d) unrhyw daliad gwerth trosglwyddiad clwb sydd i'w dalu mewn cysylltiad â buddion cronedig aelod yn y cynllun hwn; ac

(e) unrhyw daliad gwerth trosglwyddiad y mae'n ofynnol ei dalu mewn cysylltiad â buddion cronedig aelod yn y cynllun hwn.

Gwybodaeth sydd i'w darparu i Weinidogion Cymru

134.—(1) Rhaid i'r rheolwr cynllun, ar gyfer pob blwyddyn ariannol sy'n diweddu ar neu ar ôl 31 Mawrth 2016 ("blwyddyn ariannol berthnasol") anfon yr wybodaeth ganlynol mewn ysgrifen at Weinidogion Cymru—

(a) y cyfanswm a amcangyfrifir gan y rheolwr cynllun a fydd yn daladwy allan o'r CBDT yn y flwyddyn ariannol honno;

(b) y cyfanswm a amcangyfrifir gan y rheolwr cynllun a gredydir i'r CBDT yn y flwyddyn ariannol honno;

(c) y cyfrifon nas archwiliwyd mewn perthynas â'r CBDT am y flwyddyn ariannol honno;

(d) y cyfrifon archwiliedig mewn perthynas â'r CBDT am y flwyddyn ariannol honno;

(e) y cyfanswm a dalwyd allan o'r CBDT yn y flwyddyn ariannol honno; ac

(f) y cyfanswm a dalwyd i mewn i'r CBDT yn y flwyddyn ariannol honno.

(2) Rhaid anfon yr wybodaeth ym mharagraff (1) yn y ffurf a bennir mewn ysgrifen gan Weinidogion Cymru.

(3) Yn ddarostyngedig i baragraff (7), rhaid i'r rheolwr cynllun anfon yr amcangyfrif ar gyfer pob blwyddyn ariannol berthnasol at Weinidogion Cymru erbyn pa bynnag ddyddiad, cyn dechrau'r flwyddyn ariannol berthnasol, a bennir mewn ysgrifen gan Weinidogion Cymru.

Payments to be made from the Firefighters' Pension Fund

133. The scheme manager must make payments out of the FPF in respect of the following—

(a) any repayment of a member's contributions and payments required by regulation 125 (refund of all member contributions and payments for additional pension made by member);

(b) any refund of the amount of the employer additional contribution for an ill-health award under regulation 128 (refund of employer additional contribution for ill-health award following review);

(c) any pension or award payable under this scheme;

(d) any club transfer value payment to be paid in respect of a member's accrued benefits in this scheme; and

(e) any transfer value payment required to be paid in respect of a member's accrued benefits in this scheme.

Information to be provided to the Welsh Ministers

134.—(1) The scheme manager must for each financial year ending on or after 31 March 2016 ("relevant financial year") send the following information in writing to the Welsh Ministers—

(a) the total amount that the scheme manager estimates will be payable out of the FPF in that financial year;

(b) the total amount that the scheme manager estimates will be credited to the FPF in that financial year;

(c) the un-audited accounts relating to the FPF for that financial year;

(d) the audited accounts relating to the FPF for that financial year;

(e) the total amount paid out of the FPF in that financial year; and

(f) the total amount paid into the FPF in that financial year.

(2) The information in paragraph (1) must be sent in the form specified in writing by the Welsh Ministers.

(3) Subject to paragraph (7), the scheme manager must send the estimate for each relevant financial year to the Welsh Ministers by such date before the start of the relevant financial year as the Welsh Ministers, may, in writing, specify.

(4) Os bydd y rheolwr cynllun yn diwygio unrhyw ran o'r wybodaeth a anfonir yn yr amcangyfrif, rhaid i'r rheolwr cynllun anfon yr wybodaeth ddiwygiedig ("yr amcangyfrif diwygiedig") at Weinidogion Cymru erbyn pa bynnag ddyddiad yn ystod y flwyddyn ariannol berthnasol, a bennir mewn ysgrifen gan Weinidogion Cymru.

(5) Rhaid i'r rheolwr cynllun anfon yr wybodaeth nas archwiliwyd at Weinidogion Cymru erbyn pa bynnag ddyddiad ar ôl diwedd y flwyddyn ariannol berthnasol a bennir mewn ysgrifen gan Weinidogion Cymru.

(6) Rhaid i'r rheolwr cynllun anfon yr wybodaeth archwiliedig at Weinidogion Cymru erbyn pa bynnag ddyddiad ar ôl diwedd y flwyddyn ariannol a bennir mewn ysgrifen gan Weinidogion Cymru.

(7) Mewn perthynas â'r flwyddyn ariannol berthnasol sy'n diweddu ar 31 Mawrth 2016, rhaid i'r rheolwr cynllun anfon yr amcangyfrif at Weinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol ar ôl dechrau'r flwyddyn ariannol honno.

Amcangyfrifon o ddiffygion

135.—(1) Os yw'n ymddangos i Weinidogion Cymru, ar ôl cymryd i ystyriaeth yr amcangyfrif ac unrhyw wybodaeth berthnasol arall, y bydd y cyfanswm sy'n debygol o fod yn daladwy allan o'r CBDT yn y flwyddyn ariannol berthnasol yn fwy na'r cyfanswm sy'n debygol o fod yn daladwy i mewn i'r CBDT honno yn y flwyddyn honno, rhaid i Weinidogion Cymru dalu swm i'r rheolwr cynllun sy'n hafal i 80% o'r diffyg tebygol.

(2) Os yw'n ymddangos i Weinidogion Cymru, ar ôl cymryd i ystyriaeth unrhyw amcangyfrif diwygiedig ac unrhyw wybodaeth berthnasol arall, y bydd—

(a) y cyfanswm sy'n debygol o fod yn daladwy allan o'r CBDT yn y flwyddyn ariannol berthnasol yn fwy na'r cyfanswm sy'n debygol o fod yn daladwy i mewn i'r CBDT yn y flwyddyn honno; a

(b) 80% o'r diffyg tebygol yn fwy nag—

(i) y swm a dalwyd neu sy'n daladwy gan Weinidogion Cymru i'r rheolwr cynllun o dan baragraff (1) mewn perthynas â'r flwyddyn ariannol berthnasol, neu

(ii) os nad oedd unrhyw swm o'r fath wedi ei dalu neu'n daladwy gan Weinidogion Cymru, sero,

caiff Gweinidogion Cymru dalu i'r rheolwr cynllun ba bynnag swm a ystyrir yn briodol gan Weinidogion Cymru.

(4) If the scheme manager revises any of the information sent in the estimate, the scheme manager must send the revised information ("the revised estimate") to the Welsh Ministers by such date during the relevant financial year as the Welsh Ministers may, in writing, specify.

(5) The scheme manager must send the un-audited information to the Welsh Ministers by such date after the end of the relevant financial year as the Welsh Ministers may, in writing, specify.

(6) The scheme manager must send the audited information to the Welsh Ministers by such date after the end of the financial year as the Welsh Ministers may, in writing, specify.

(7) In relation to the relevant financial year ending on 31 March 2016 the scheme manager must send the estimate to the Welsh Ministers as soon as reasonably practicable after the start of that financial year.

Estimated deficits

135.—(1) Where, having taken into account the estimate and any other relevant information, it appears to the Welsh Ministers that the total amount likely to be payable out of the FPF in the relevant financial year will exceed the total amount likely to be payable into that FPF in that year, the Welsh Ministers must pay an amount to the scheme manager equal to 80% of the likely deficit.

(2) Where, having taken into account any revised estimate and any other relevant information, it appears to the Welsh Ministers that—

(a) the total amount likely to be payable out of the FPF in the relevant financial year will exceed the total amount likely to be paid into the FPF in that year; and

(b) 80% of the likely deficit is more than—

(i) the amount paid or payable by the Welsh Ministers to the scheme manager under paragraph (1) in relation to the relevant financial year, or

(ii) where no such amount was paid or payable by the Welsh Ministers, zero,

the Welsh Ministers may pay to the scheme manager such amount as the Welsh Ministers think fit.

(3) Os yw Gweinidogion Cymru wedi talu swm i reolwr cynllun o dan baragraffau (1) a (2), rhaid i gyfanswm y symiau hynny beidio â bod yn fwy nag 80% o ddiffyg tebygol yr CBDT am y flwyddyn honno.

(4) Os telir swm gan Weinidogion Cymru i reolwr cynllun o dan baragraff (2), nid yw unrhyw swm a dalwyd neu a fyddai wedi bod yn daladwy mewn perthynas â'r flwyddyn ariannol berthnasol gan y rheolwr cynllun i Weinidogion Cymru o dan reoliad 136(1) (amcangyfrifon o wargedion), i'w dalu, neu, os talwyd swm o'r fath, rhaid i Weinidogion Cymru ad-dalu'r swm hwnnw.

(5) Rhaid i Weinidogion Cymru wneud y taliad i'r rheolwr cynllun o dan baragraff (1) cyn diwedd Gorffennaf yn y flwyddyn ariannol berthnasol neu cyn gynted ag y bo'n rhesymol ymarferol ar ôl hynny.

(6) Pan fo Gweinidogion Cymru yn gwneud taliad o dan baragraff (2) neu ad-daliad o dan baragraff (4), rhaid gwneud y taliad neu ad-daliad cyn diwedd y flwyddyn ariannol berthnasol neu cyn gynted ag y bo'n rhesymol ymarferol ar ôl hynny.

Amcangyfrifon o wargedion

136.—(1) Os yw'n ymddangos i Weinidogion Cymru, ar ôl cymryd i ystyriaeth yr amcangyfrif ac unrhyw wybodaeth berthnasol arall, y bydd y cyfanswm sy'n debygol o gael ei dalu i mewn i'r CBDT yn y flwyddyn ariannol berthnasol yn fwy na'r cyfanswm sy'n debygol o fod yn daladwy allan o'r CBDT yn y flwyddyn honno, rhaid i Weinidogion Cymru ei gwneud yn ofynnol bod rheolwr cynllun yn talu i Weinidogion Cymru swm sy'n hafal i 80% o'r gwarged tebygol.

(2) Os yw'n ymddangos i Weinidogion Cymru, ar ôl cymryd i ystyriaeth unrhyw amcangyfrif diwygiedig ac unrhyw wybodaeth berthnasol arall, y bydd—

(a) y cyfanswm sy'n debygol o gael ei dalu i mewn i'r CBDT yn y flwyddyn ariannol berthnasol yn fwy na'r cyfanswm sy'n debygol o fod yn daladwy allan o'r CBDT yn y flwyddyn honno; a

(b) 80% o'r gwarged tebygol yn fwy nag—

(i) y swm a dalwyd neu sy'n daladwy gan y rheolwr cynllun i Weinidogion Cymru o dan baragraff (1) mewn perthynas â'r flwyddyn ariannol berthnasol, neu

(ii) os nad oedd unrhyw swm o'r fath wedi ei dalu neu'n daladwy gan y rheolwr cynllun, sero,

caiff Gweinidogion Cymru ei gwneud yn ofynnol bod y rheolwr cynllun yn talu i Weinidogion Cymru ba bynnag swm y caiff Gweinidogion Cymru ei bennu drwy hysbysiad ysgrifenedig.

(3) Where the Welsh Ministers have paid an amount to a scheme manager under paragraphs (1) and (2), the total of these amounts must not exceed 80% of the likely deficit of the FPF for that year.

(4) Where the Welsh Ministers pay an amount to a scheme manager under paragraph (2), any amount paid or payable by the scheme manager to the Welsh Ministers in relation to the relevant financial year under regulation 136(1) (estimated surpluses) must not be paid or, if paid, the Welsh Ministers must repay it.

(5) The Welsh Ministers must make the payment to the scheme manager under paragraph (1) before the end of July of the relevant financial year or as soon as reasonably practicable thereafter.

(6) Where the Welsh Ministers make a payment under paragraph (2) or a repayment under paragraph (4), the payment or repayment must be made before the end of the relevant financial year or as soon as reasonably practicable thereafter.

Estimated surpluses

136.—(1) Where, having taken into account the estimate and any other relevant information, it appears to the Welsh Ministers that the total amount likely to be paid into the FPF in the relevant financial year will exceed the total amount likely to be payable out of the FPF in that year, the Welsh Ministers must require the scheme manager to pay to the Welsh Ministers an amount equal to 80% of the likely surplus.

(2) Where, having taken into account any revised estimate and any other relevant information, it appears to the Welsh Ministers that—

(a) the total amount likely to be paid into the FPF in the relevant financial year will exceed the total amount likely to be payable out of the FPF in that year; and

(b) 80% of the likely surplus is more than—

(i) the amount paid or payable by the scheme manager to the Welsh Ministers under paragraph (1) in relation to the relevant financial year, or

(ii) where no such amount was paid or payable by the scheme manager, zero,

the Welsh Ministers may require the scheme manager to pay to the Welsh Ministers such amount as the Welsh Ministers may by notice in writing specify.

(3) Os yw'r rheolwr cynllun wedi talu swm i Weinidogion Cymru o dan baragraffau (1) a (2), rhaid i gyfanswm y symiau hynny beidio â bod yn fwy nag 80% o warged tebygol yr CBDT am y flwyddyn honno.

(4) Os yw Gweinidogion Cymru yn ei gwneud yn ofynnol bod y rheolwr cynllun yn talu swm o dan baragraff (2), nid yw unrhyw swm a dalwyd neu a fyddai wedi bod yn daladwy mewn perthynas â'r flwyddyn ariannol berthnasol gan Weinidogion Cymru i'r rheolwr cynllun o dan reoliad 135(1) (amcangyfrifon o ddiffygion), i'w dalu, neu, os talwyd swm o'r fath, rhaid i'r rheolwr cynllun ei ad-dalu.

(5) Rhaid i Weinidogion Cymru roi i'r rheolwr cynllun, ar neu cyn 3 Mawrth yn y flwyddyn ariannol berthnasol, hysbysiad ysgrifenedig o swm unrhyw daliad neu ad-daliad y mae'n ofynnol gan Weinidogion Cymru fod y rheolwr cynllun yn ei wneud o dan baragraff (1), (2) neu (4).

(6) Pan ei gwneir yn ofynnol bod y rheolwr cynllun yn gwneud taliad o dan baragraffau (1) neu (2) neu ad-daliad o dan baragraff (4), rhaid gwneud y taliad neu ad-daliad cyn diwedd y flwyddyn ariannol berthnasol neu cyn gynted ag y bo'n rhesymol ymarferol ar ôl hynny.

(3) Where the scheme manager has paid an amount to the Welsh Ministers under paragraphs (1) and (2), the total of these amounts must not exceed 80% of the likely surplus of the FPF for that year.

(4) Where the Welsh Ministers require the scheme manager to pay an amount under paragraph (2), any amount paid or payable by the Welsh Ministers to the scheme manager in relation to the relevant financial year under regulation 135(1) (estimated deficits) must not be paid or, if paid, the scheme manager must repay it.

(5) The Welsh Ministers must give to the scheme manager, on or before 3 March of the relevant financial year, written notice of the amount of any payment or repayment that the Welsh Ministers require the scheme manager to make under paragraph (1), (2) or (4).

(6) Where the scheme manager is required to make a payment under paragraphs (1) or (2) or to make a repayment under paragraph (4), the payment or repayment must be made before the end of the relevant financial year or as soon as reasonably practicable thereafter.

Diffygion gwirioneddol

137.—(1) Pan yw'n ymddangos i Weinidogion Cymru, ar ôl cymryd i ystyriaeth yr wybodaeth nas archwiliwyd ac unrhyw wybodaeth berthnasol arall, y bydd y cyfanswm sy'n debygol o fod yn daladwy allan o'r CBDT yn y flwyddyn ariannol berthnasol yn fwy na'r cyfanswm sy'n debygol o gael ei dalu neu o fod yn daladwy i mewn i'r CBDT yn y flwyddyn honno—

(a) os yw'r diffyg tebygol ("y diffyg nas archwiliwyd") yn fwy na chyfanswm unrhyw symiau a dalwyd neu sy'n daladwy i'r rheolwr cynllun mewn perthynas â'r flwyddyn honno o dan reoliad 135(1) neu (2) (amcangyfrifon o ddiffygion) ("y cyfanswm rheoliad 135"), rhaid i Weinidogion Cymru dalu i'r rheolwr cynllun swm y diffyg nas archwiliwyd llai'r cyfanswm rheoliad 135;

(b) os yw'r diffyg nas archwiliwyd yn llai na'r cyfanswm rheoliad 135, nid yw swm y cyfanswm rheoliad 135 llai'r diffyg nas archwiliwyd yn daladwy o dan reoliad 135(1) neu (2), ac os talwyd y swm hwnnw eisoes, rhaid i'r rheolwr cynllun ad-dalu'r swm hwnnw i Weinidogion Cymru;

(c) os nad oedd unrhyw swm wedi ei dalu neu'n daladwy gan Weinidogion Cymru i'r rheolwr cynllun mewn perthynas â'r flwyddyn ariannol berthnasol o dan reoliad 135(1) neu (2), rhaid i Weinidogion Cymru dalu i'r rheolwr cynllun swm y diffyg nas archwiliwyd; a

Actual deficits

137.—(1) Where, having taken into account the un-audited information and any other relevant information, it appears to the Welsh Ministers that the total amount likely to be payable out of the FPF in the relevant financial year exceeds the total amount likely to be paid or payable into the FPF in that year—

(a) where the likely deficit ("the un-audited deficit") exceeds the total of any amount paid or payable to the scheme manager in relation to that year under regulation 135(1) or (2) (estimated deficits) ("the regulation 135 total"), the Welsh Ministers must pay to the scheme manager the amount of the un-audited deficit less the regulation 135 total;

(b) where the un-audited deficit is less than the regulation 135 total, the amount of the regulation 135 total less the un-audited deficit is not payable under regulation 135 (1) or (2) and, if already paid, the scheme manager must repay that amount to the Welsh Ministers;

(c) where no amount was paid or payable by the Welsh Ministers to the scheme manager in relation to the relevant financial year under regulation 135(1) or (2), the Welsh Ministers must pay to the scheme manager the amount of the un-audited deficit; and

(d) nid yw unrhyw swm yn daladwy, a dalwyd neu a oedd yn daladwy i Weinidogion Cymru mewn perthynas â'r flwyddyn honno o dan reoliad 136(1) neu (2), ac os talwyd swm o'r fath eisoes, rhaid i Weinidogion Cymru ad-dalu'r swm hwnnw i'r rheolwr cynllun.

(2) Pan yw'n ymddangos i Weinidogion Cymru, ar ôl cymryd i ystyriaeth yr wybodaeth archwiliedig ac unrhyw wybodaeth berthnasol arall, fod y cyfanswm a dalwyd neu sy'n daladwy allan o'r CBDT yn y flwyddyn berthnasol yn fwy na'r cyfanswm a dalwyd neu sy'n daladwy i mewn i'r CBDT yn y flwyddyn honno—

(a) os yw'r gwahaniaeth rhwng y cyfansymiau hynny ("y diffyg archwiliedig") yn fwy na chyfanswm unrhyw symiau a dalwyd (nad ydynt wedi eu had-dalu nac yn ad-daladwy) neu sy'n daladwy i'r rheolwr cynllun mewn perthynas â'r flwyddyn honno o dan baragraff (1)(a) neu (c) neu reoliad 135(1) neu (2) ("y cyfanswm nas archwiliwyd"), rhaid i Weinidogion Cymru dalu i'r rheolwr cynllun swm y diffyg archwiliedig llai'r cyfanswm nas archwiliwyd;

(b) os yw'r diffyg archwiliedig yn llai na'r cyfanswm nas archwiliwyd, nid yw swm y cyfanswm nas archwiliwyd llai'r diffyg archwiliedig yn daladwy o dan baragraffau (1)(a) neu (c) na rheoliad 135(1) neu (2), ac os talwyd y swm hwnnw eisoes, rhaid i'r rheolwr cynllun ei ad-dalu i Weinidogion Cymru;

(c) os nad oedd unrhyw swm wedi ei dalu neu'n daladwy gan Weinidogion Cymru i'r rheolwr cynllun mewn perthynas â'r flwyddyn ariannol berthnasol o dan baragraffau (1)(a) neu (c) neu reoliad 135(1) neu (2), rhaid i Weinidogion Cymru dalu i'r rheolwr cynllun swm y diffyg archwiliedig; a

(d) nid yw unrhyw swm yn daladwy, a dalwyd neu a oedd yn daladwy i Weinidogion Cymru mewn perthynas â'r flwyddyn ariannol berthnasol o dan reoliad 136(1) neu (2) neu reoliad 138(1)(a) neu (c), ac os talwyd swm o'r fath eisoes, rhaid i Weinidogion Cymru ad-dalu'r swm hwnnw i'r rheolwr cynllun.

(3) Pan yw'n ofynnol bod Gweinidogion Cymru, neu'r rheolwr cynllun, yn ôl fel y digwydd, yn gwneud taliad neu ad-daliad o dan baragraff (1), rhaid ei wneud cyn diwedd Gorffennaf yn y flwyddyn ariannol sy'n dilyn y flwyddyn ariannol berthnasol ("yr ail flwyddyn") neu cyn gynted ag y bo'n rhesymol ymarferol ar ôl hynny.

(4) Pan yw'n ofynnol bod Gweinidogion Cymru, neu'r rheolwr cynllun, yn ôl fel y digwydd, yn gwneud taliad neu ad-daliad o dan baragraff (2), rhaid ei wneud cyn diwedd Gorffennaf yn y flwyddyn ariannol sy'n dilyn yr ail flwyddyn neu cyn gynted ag y bo'n rhesymol ymarferol ar ôl hynny.

(d) any amount paid or payable to the Welsh Ministers in relation to that year under regulation 136(1) or (2) is not payable and, if already paid, the Welsh Ministers must repay it to the scheme manager.

(2) Where, having taken into account the audited information and any other relevant information, it appears to the Welsh Ministers that the total amount paid or payable out of the FPF in the relevant year exceeds the total amount paid or payable into the FPF in that year—

(a) where the difference between those total amounts ("the audited deficit") exceeds the total of any amounts paid (but not repaid or repayable) or payable to the scheme manager in relation to that year under paragraph (1)(a) or (c) or regulation 135(1) or (2) ("the un-audited total"), the Welsh Ministers must pay to the scheme manager the amount of the audited deficit less the un-audited total;

(b) where the audited deficit is less than the un-audited total, the amount of the un-audited total less the audited deficit is not payable under paragraphs (1)(a) or (c) or regulation 135(1) or (2) and, if already paid, the scheme manager must repay it the Welsh Ministers;

(c) where no amount was paid or payable by the Welsh Ministers to the scheme manager in relation to the relevant financial year under paragraphs (1)(a) or (c) or regulation 135(1) or (2), the Welsh Ministers must pay to the scheme manager the amount of the audited deficit; and

(d) any amount paid or payable to the Welsh Ministers in relation to the relevant financial year under regulation 136(1) or (2) or regulation 138(1)(a) or (c) is not payable and, if already paid, the Welsh Ministers must repay it to the scheme manager.

(3) Where the Welsh Ministers, or the scheme manager, as the case maybe, are required to make a payment or repayment under paragraph (1), it must be made before the end of July in the financial year following the relevant financial year ("the second year") or as soon as reasonably practicable thereafter.

(4) Where the Welsh Ministers or the scheme manager, as the case maybe, are required to make a payment or repayment under paragraph (2), it must be made before the end of July in the financial year following the second year or as soon as reasonably practicable thereafter.

Gwargedion gwirioneddol

138.—(1) Pan yw'n ymddangos i Weinidogion Cymru, ar ôl cymryd i ystyriaeth yr wybodaeth nas archwiliwyd ac unrhyw wybodaeth berthnasol arall, y bydd y cyfanswm a delir i mewn i'r CBDT yn y flwyddyn ariannol berthnasol yn fwy na'r cyfanswm a delir allan o'r CBDT yn y flwyddyn honno—

(a) os yw'r gwahaniaeth rhwng y cyfansymiau hynny ("y gwarged nas archwiliwyd") yn fwy na chyfanswm unrhyw symiau a dalwyd neu sy'n daladwy i Weinidogion Cymru gan y rheolwr cynllun mewn perthynas â'r flwyddyn honno o dan reoliad 136(1) neu (2) ("y cyfanswm rheoliad 136"), rhaid i Weinidogion Cymru ei gwneud yn ofynnol bod y rheolwr cynllun yn talu i Weinidogion Cymru swm y gwarged nas archwiliwyd llai'r cyfanswm rheoliad 136;

(b) os yw'r gwarged nas archwiliwyd yn llai na'r cyfanswm rheoliad 136, nid yw swm y cyfanswm rheoliad 136 llai'r gwarged nas archwiliwyd yn daladwy o dan reoliad 136(1) neu (2), ac os talwyd y swm hwnnw eisoes, rhaid i Weinidogion Cymru ei ad-dalu i'r rheolwr cynllun;

(c) os nad oedd unrhyw swm wedi ei dalu neu'n daladwy i Weinidogion Cymru gan y rheolwr cynllun mewn perthynas â'r flwyddyn ariannol berthnasol o dan reoliad 136(1) neu (2), rhaid i Weinidogion Cymru ei gwneud yn ofynnol bod y rheolwr cynllun yn talu i Weinidogion Cymru swm y gwarged nas archwiliwyd; a

(d) nid yw unrhyw swm yn daladwy, a dalwyd neu a oedd yn daladwy gan Weinidogion Cymru i'r rheolwr cynllun mewn perthynas â'r flwyddyn honno o dan reoliad 135(1) neu (2), ac os talwyd swm o'r fath eisoes, rhaid i'r rheolwr cynllun ei ad-dalu i Weinidogion Cymru.

(2) Pan yw'n ymddangos i Weinidogion Cymru, ar ôl cymryd i ystyriaeth yr wybodaeth archwiliedig ac unrhyw wybodaeth berthnasol arall, fod y cyfanswm a dalwyd i mewn i'r CBDT yn y flwyddyn ariannol berthnasol yn fwy na'r cyfanswm taladwy allan o'r CBDT honno yn y flwyddyn honno—

Actual surpluses

138.—(1) Where, having taken into account the un-audited information and any other relevant information, it appears to the Welsh Ministers that the total amount paid into the FPF in the relevant financial year exceeds the total amount paid out of that FPF in that year—

(a) where the difference between those total amounts ("the un-audited surplus") exceeds the total of any amounts paid or payable to the Welsh Ministers by the scheme manager in relation to that year under regulation 136(1) or (2) ("the regulation 136 total"), the Welsh Ministers must require the scheme manager to pay to the Welsh Ministers the amount of the un-audited surplus less the regulation 136 total;

(b) where the un-audited surplus is less than the regulation 136 total, the amount of the regulation 136 total less the un-audited surplus is not payable under regulation 136(1) or (2) and, if already paid, the Welsh Ministers must repay it to the scheme manager;

(c) where no amount was paid or payable to the Welsh Ministers by the scheme manager in relation to the relevant financial year under regulation 136(1) or (2), the Welsh Ministers must require the scheme manager to pay to Welsh Ministers the amount of the un-audited surplus; and

(d) any amount paid or payable by the Welsh Ministers to the scheme manager in relation to that year under regulation 135(1) or (2) is not payable and, if already paid, the scheme manager must repay it to the Welsh Ministers.

(2) Where, having taken into account the audited information and any other relevant information, it appears to the Welsh Ministers that the total amount paid into the FPF in the relevant financial year exceeds the total amount payable out of that FPF in that year—

(a) os yw'r gwahaniaeth rhwng y cyfansymiau hynny ("y gwarged archwiliedig") yn fwy na chyfanswm unrhyw symiau a dalwyd (nad ydynt wedi eu had-dalu nac yn ad-daladwy) neu sy'n daladwy i Weinidogion Cymru gan y rheolwr cynllun mewn perthynas â'r flwyddyn honno o dan baragraff (1)(a) neu (c) neu reoliad 136(1) neu (2) ("y cyfanswm rheoliad 136 nas archwiliwyd"), rhaid i Weinidogion Cymru ei gwneud yn ofynnol bod y rheolwr cynllun yn talu i Weinidogion Cymru allan o'r CBDT swm y gwarged archwiliedig llai'r cyfanswm rheoliad 136 nas archwiliwyd;

(a) where the difference between those total amounts ("the audited surplus") exceeds the total of any amounts paid (but not repaid or repayable) or payable to the Welsh Ministers by the scheme manager in relation to that year under paragraph (1)(a) or (c) or regulation 136 (1) or (2) ("the un-audited regulation 136 total"), the Welsh Ministers must require the scheme manager to pay to the Welsh Ministers out of the FPF the amount of the audited surplus less the un-audited regulation 136 total;

(b) os yw'r gwarged archwiliedig yn llai na'r cyfanswm rheoliad 136 nas archwiliwyd, nid yw swm y cyfanswm rheoliad 136 nas archwiliwyd llai'r gwarged archwiliedig yn daladwy o dan baragraffau (1)(a) neu (c) neu reoliad 136(1) neu (2), ac os talwyd y swm hwnnw eisoes, rhaid i Weinidogion Cymru ei ad-dalu i'r rheolwr cynllun;

(b) where the audited surplus is less than the un-audited regulation 136 total, the amount of the un-audited regulation 136 total less the audited surplus is not payable under paragraphs (1)(a) or (c) or regulation 136(1) or (2) and, if already paid, the Welsh Ministers must repay it to the scheme manager;

(c) os nad oedd unrhyw swm wedi ei dalu neu'n daladwy i Weinidogion Cymru gan y rheolwr cynllun mewn perthynas â'r flwyddyn ariannol berthnasol o dan baragraffau (1)(a) neu (c) neu reoliad 136(1) neu (2), rhaid i Weinidogion Cymru ei gwneud yn ofynnol bod y rheolwr cynllun yn talu i Weinidogion Cymru swm y gwarged archwiliedig; a

(c) where no amount was paid or payable to the Welsh Ministers by the scheme manager in relation to the relevant financial year under paragraphs (1)(a) or (c) or regulation 136(1) or (2), the Welsh Ministers must require the scheme manager to pay to the Welsh Ministers the amount of the audited surplus; and

(d) nid yw unrhyw swm yn daladwy, a dalwyd neu a oedd yn daladwy gan Weinidogion Cymru i'r rheolwr cynllun mewn perthynas â'r flwyddyn honno o dan reoliad 135(1) neu (2) neu reoliad 137(1)(a) neu (c), ac os talwyd swm o'r fath eisoes, rhaid i'r rheolwr cynllun ei ad-dalu i Weinidogion Cymru.

(d) any amount paid or payable by the Welsh Ministers to the scheme manager in relation to that year under regulation 135(1) or (2) or regulation 137(1)(a) or (c) is not payable and, if already paid, the scheme manager must repay it to the Welsh Ministers.

(3) Rhaid i Weinidogion Cymru roi i'r rheolwr cynllun, ar neu cyn 3 Gorffennaf yn y flwyddyn ariannol sy'n dilyn y flwyddyn ariannol berthnasol ("yr ail flwyddyn"), hysbysiad ysgrifenedig o swm y taliad y mae'n ofynnol gan Weinidogion Cymru fod y rheolwr cynllun yn ei wneud o dan baragraff (1)(a) neu (c).

(3) The Welsh Ministers must give to the scheme manager, on or before 3 July in the financial year after the relevant financial year ("the second year"), written notice of the amount of the payment that the Welsh Ministers require the scheme manager to make under paragraph (1)(a) or (c).

(4) Pan yw'n ofynnol bod Gweinidogion Cymru, neu'r rheolwr cynllun, yn ôl fel y digwydd, yn gwneud taliad neu ad-daliad o dan baragraff (1), rhaid ei wneud cyn diwedd Gorffennaf yn yr ail flwyddyn neu cyn gynted ag y bo'n rhesymol ymarferol ar ôl hynny.

(4) Where the Welsh Ministers or the scheme manager, as the case maybe, are required to make a payment or repayment under paragraph (1), it must be made before the end of July in the second year or as soon as reasonably practicable thereafter.

(5) Rhaid i Weinidogion Cymru roi i'r rheolwr cynllun, ar neu cyn 3 Gorffennaf yn y flwyddyn ariannol sydd yr ail flwyddyn ariannol yn dilyn y flwyddyn ariannol berthnasol ("y drydedd flwyddyn"), hysbysiad ysgrifenedig o swm unrhyw daliad y mae'n ofynnol gan Weinidogion Cymru fod y rheolwr cynllun yn ei wneud o dan baragraff (2)(a) neu (c).

(5) The Welsh Ministers must give to the scheme manager, on or before 3 July in the financial year that is the second financial year after the relevant financial year ("the third year"), written notice of the amount of any payment that the Welsh Ministers require the scheme manager to make under paragraph (2)(a) or (c).

(6) Pan yw'n ofynnol bod Gweinidogion Cymru, neu'r rheolwr cynllun, yn ôl fel y digwydd, yn gwneud taliad neu ad-daliad o dan baragraff (2), rhaid ei wneud cyn diwedd Gorffennaf yn y drydedd flwyddyn neu cyn gynted ag y bo'n rhesymol ymarferol ar ôl hynny.

Dyletswydd i ddarparu gwybodaeth

139.—(1) Rhaid i'r rheolwr cynllun ddarparu i Weinidogion Cymru ba bynnag wybodaeth sy'n berthnasol ar gyfer arfer swyddogaethau Gweinidogion Cymru o dan y Rhan hon, fel y caiff Gweinidogion Cymru, drwy hysbysiad ysgrifenedig, ei gwneud yn ofynnol.

(2) Rhaid i'r rheolwr cynllun ddarparu'r wybodaeth sy'n ofynnol o fewn y cyfnod o amser a bennir gan Weinidogion Cymru yn yr hysbysiad hwnnw, neu o fewn pa bynnag gyfnod ychwanegol a ganiateir gan Weinidogion Cymru.

RHAN 10

Trosglwyddiadau

PENNOD 1

Rhagarweiniol

Cymhwyso'r Rhan hon

140. Mae'r Rhan hon—

(a) yn ychwanegu at yr hawliau a roddir gan neu o dan Bennod 4 o Ran 4 o DCauP 1993 (gwerthoedd trosglwyddo) ac nid yw'n lleihau dim ar effaith y Bennod honno; a

(b) yn ychwanegu at yr hawliau a roddir gan neu o dan Bennod 5 o'r Rhan honno (ymadawyr cynnar: trosglwyddo symiau ariannol ac ad-dalu cyfraniadau)(**1**) ac nid yw'n lleihau dim ar effaith y Bennod honno.

Dehongli mewn perthynas â'r Rhan hon

141. Yn y Rhan hon—

ystyr "cyfwerth ariannol" ("*cash equivalent*") yw swm a gyfrifir yn unol â rheoliadau a wnaed o dan adran 97 o DCauP 1993;

ystyr "cyfwerth ariannol gwarantedig" ("*guaranteed cash equivalent*"), mewn perthynas â chyfrifo gwerth trosglwyddiad o hawliau cronedig i gael buddion o dan y cynllun hwn, yw cyfwerth ariannol y buddion hynny fel ar y dyddiad gwarant, fel y'i pennir mewn datganiad o hawlogaeth;

(**1**) Mewnosodwyd Pennod 5 o Ran 4 o DCauP 1993 gan adran 264 o Ddeddf Pensiynau 2004 (p. 35).

(6) Where the Welsh Ministers or the scheme manager, as the case may be, are required to make a payment or repayment under paragraph (2) of this regulation, it must be made before the end of July in the third year or as soon as reasonably practicable thereafter.

Duty to provide information

139.—(1) The scheme manager must provide the Welsh Ministers with such information relevant to the exercise of the Welsh Ministers' functions under this Part as the Welsh Ministers may, by written notice, require.

(2) The scheme manager must provide the information required within the period of time specified by the Welsh Ministers in that notice or within such additional period as may be allowed by the Welsh Ministers.

PART 10

Transfers

CHAPTER 1

Preliminary

Application of this Part

140. This Part—

(a) supplements the rights conferred by or under Chapter 4 of Part 4 of PSA 1993 (transfer values) and is without prejudice to that Chapter; and

(b) supplements the rights conferred by or under Chapter 5 of that Part (early leavers: cash transfer sums and contribution refunds)(**1**) and is without prejudice to that Chapter.

Interpretation in relation to this Part

141. In this Part—

"cash equivalent" ("*cyfwerth ariannol*") means an amount calculated in accordance with regulations made under section 97 of PSA 1993;

"club transfer value" ("*gwerth trosglwyddiad clwb*"), in relation to an amount of accrued earned pension under this scheme or under another club scheme, means an amount calculated by the scheme manager—

(**1**) Chapter 5 of Part 4 of PSA 1993 was inserted by section 264 of the Pensions Act 2004 (c. 35).

ystyr "datganiad o hawlogaeth" ("*statement of entitlement*"), mewn perthynas â hawliau cronedig aelod actif neu aelod gohiriedig i gael buddion o dan y cynllun hwn, yw datganiad gan y rheolwr cynllun o gyfwerth ariannol neu werth trosglwyddiad clwb y buddion hynny fel ar y dyddiad gwarant;

mae i "dyddiad gwarant" ("*guarantee date*") yr ystyr a roddir yn rheoliad 144 (datganiad o hawlogaeth);

ystyr "gwerth trosglwyddiad" ("*transfer value*"), mewn perthynas â hawliau cronedig i gael buddion ac eithrio pensiwn enilledig cronedig sy'n destun trosglwyddiad clwb, yw—

(a) yn achos hawliau cronedig i fuddion o dan y cynllun hwn, swm sy'n hafal i—

(i) cyfwerth ariannol gwarantedig y buddion hynny, neu

(ii) y cyfwerth ariannol gwarantedig ynghyd ag unrhyw gynnydd sy'n daladwy o dan reoliad 146 (cyfrifo swm gwerth trosglwyddiad neu werth trosglwyddiad clwb), a

(b) yn achos hawliau cronedig i fuddion o dan gynllun pensiwn arall, swm—

(i) a benderfynir gan actiwari cynllun y cynllun hwnnw, a

(ii) a bennir mewn datganiad o hawliau cronedig a ddarperir gan reolwr cynllun y cynllun hwnnw; ac

ystyr "gwerth trosglwyddiad clwb" ("*club transfer value*"), mewn perthynas â swm pensiwn enilledig cronedig o dan y cynllun hwn neu o dan gynllun clwb arall, yw swm a gyfrifir gan y rheolwr cynllun—

(a) yn unol â'r trefniadau trosglwyddiadau clwb, a

(b) drwy gyfeirio at y canllawiau a thablau a ddarperir gan Actiwari'r Llywodraeth at y diben hwn, sydd mewn defnydd ar y dyddiad a ddefnyddir ar gyfer y cyfrifiad.

(a) in accordance with the club transfer arrangements, and

(b) by reference to the guidance and tables provided by the Government Actuary for this purpose that are in use on the date used for the calculation;

"guarantee date" ("*dyddiad gwarant*") has the meaning given in regulation 144 (statement of entitlement);

"guaranteed cash equivalent" ("*cyfwerth ariannol gwarantedig*"), in relation to calculating the transfer value of accrued rights to benefits under this scheme, means the cash equivalent of those benefits as at the guarantee date, as specified in a statement of entitlement;

"statement of entitlement" ("*datganiad o hawlogaeth*"), in relation to an active or deferred member's accrued rights to benefits under this scheme, means a statement by the scheme manager of the cash equivalent or club transfer value of those benefits as at the guarantee date; and

"transfer value" ("*gwerth trosglwyddiad*") means, for accrued rights to benefits other than accrued earned pension which are the subject of a club transfer—

(a) for accrued rights to benefits under this scheme, an amount equal to—

(i) the guaranteed cash equivalent of those benefits, or

(ii) the guaranteed cash equivalent together with any increase payable under regulation 146 (calculating amount of a transfer value or club transfer value), and

(b) for accrued rights to benefits under another pension scheme, an amount—

(i) determined by the scheme actuary of that scheme, and

(ii) specified in a statement of accrued rights provided by the scheme manager of that scheme.

PENNOD 2

Trosglwyddiadau allan

CHAPTER 2

Transfers out

Taliadau trosglwyddo a wneir i gynlluniau neu drefniadau pensiwn eraill

142.—(1) Ni chaniateir gwneud taliad trosglwyddo ac eithrio mewn cysylltiad â hawliau cronedig i gael buddion aelod actif neu aelod gohiriedig o'r cynllun hwn.

Transfer payments made to other schemes or pension arrangements

142.—(1) A transfer payment may only be made in respect of the accrued rights to benefits of an active or deferred member of this scheme.

(2) Ni chaniateir gwneud taliad trosglwyddo ac eithrio i'r canlynol—

(a) cynllun pensiwn cofrestredig nad yw'n gynllun cysylltiedig; neu

(b) trefniant pensiwn sy'n gynllun pensiwn tramor cydnabyddedig cymwys at ddibenion Rhan 4 o DC 2004 (gweler adran 169(2) o'r Ddeddf honno)(**1**).

(3) Ni chaniateir gwneud taliad trosglwyddo mewn cysylltiad â hawliau sy'n briodoladwy (yn uniongyrchol neu'n anuniongyrchol) i gredyd pensiwn.

(4) Ni chaiff aelod ei gwneud yn ofynnol bod y rheolwr cynllun yn defnyddio taliad trosglwyddo mewn unrhyw ffordd ac eithrio ffordd a bennir yn adran 95(2) o DCauP 1993(**2**).

(5) Ni chaiff aelod ei gwneud yn ofynnol bod y rheolwr cynllun yn gwneud taliad gwerth trosglwyddiad clwb ac eithrio yn ystod y cyfnod o 12 mis sy'n dechrau gyda'r diwrnod y daw'r aelod yn gymwys i fod yn aelod actif o'r cynllun y gwneir y taliad iddo.

(6) Rhaid gwneud y cyfan o'r taliad trosglwyddo yn unol â darpariaethau'r rheoliad hwn.

(7) Os yw adran 96(2) o DCauP 1993 (ymddiriedolwyr neu reolwyr cynlluniau neu drefniadau penodol sy'n derbyn, nad ydynt yn alluog a bodlon i dderbyn taliad trosglwyddo, ac eithrio mewn cysylltiad â hawliau eraill yr aelod) yn gymwys(**3**), caniateir eithrio o'r taliad trosglwyddo unrhyw fuddion sy'n briodoladwy i'r canlynol—

(a) hawliau cronedig yr aelod i leiafswm pensiwn gwarantedig; a

(b) hawliau cronedig yr aelod sy'n briodoladwy i wasanaeth mewn cyflogaeth a gontractiwyd allan o fewn ystyr Rhan 3 o DCauP 1993, ar neu ar ôl 6 Ebrill 1997.

Cais am ddatganiad o hawlogaeth

143.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas ag aelod actif neu ohiriedig o'r cynllun hwn (P) sy'n gofyn am i daliad trosglwyddo gael ei wneud mewn cysylltiad â'i hawliau cronedig i gael buddion o dan y cynllun hwn.

(2) Cyn gofyn am daliad trosglwyddo, rhaid i P wneud cais am ddatganiad o hawlogaeth, drwy roi hysbysiad ysgrifenedig i'r rheolwr cynllun.

(**1**) Diwygiwyd adran 169(2) gan adran 53(3) o Ddeddf Cyllid 2013 (p. 29).
(**2**) Diwygiwyd adran 95(2) gan O.S. 2001/3649.
(**3**) Diwygiwyd adran 96(2) gan Ddeddf Pensiynau 2007 (p. 22), Atodlen 7, paragraff 1; Deddf Diwygio Lles a Phensiynau 1999 (p. 30), Atodlen 13, paragraff 1; Deddf Pensiynau 1995 (p. 26), Atodlen 5, paragraff 63(a) ac O.S. 2011/1730.

(2) A transfer payment may only be made to—

(a) a registered pension scheme that is not a connected scheme; or

(b) a pension arrangement that is a qualifying recognised overseas pension scheme for the purposes of Part 4 of FA 2004 (see section 169(2) of that Act)(**1**).

(3) A transfer payment may not be made in respect of rights that are attributable (directly or indirectly) to a pension credit.

(4) A member may only require the scheme manager to use a transfer payment in a way specified in section 95(2) of PSA 1993(**2**).

(5) A member may only require the scheme manager to make a club transfer value payment during the period of 12 months beginning with the day on which the member becomes eligible to be an active member of the scheme to which the payment is to be made.

(6) The whole of the transfer payment must be made in accordance with the provisions of this regulation.

(7) If section 96(2) of PSA 1993 (trustees or managers of certain receiving schemes or arrangements able and willing to accept a transfer payment only in respect of the member's other rights) applies(**3**), benefits attributable to the following may be excluded from the transfer payment—

(a) the member's accrued rights to a guaranteed minimum pension; and

(b) the member's accrued rights attributable to service in contracted-out employment, within the meaning of Part 3 of PSA 1993, on or after 6 April 1997.

Application for a statement of entitlement

143.—(1) This regulation applies in relation to an active or deferred member of this scheme (P) who requires a transfer payment to be made in respect of P's accrued rights to benefits under this scheme.

(2) Before requesting a transfer payment, P must apply for a statement of entitlement by written notice to the scheme manager.

(**1**) Section 169(2) was amended by the Finance Act 2013 (c. 29), section 53(3).
(**2**) Section 95(2) was amended by S.I. 2001/3649.
(**3**) Section 96(2) was amended by the Pensions Act 2007 (c. 22), Schedule 7, paragraph 1; the Welfare Reform and Pensions Act 1999 (c. 30), Schedule 13, paragraph 1; the Pensions Act 1995 (c. 26), Schedule 5, paragraph 63(a) and S.I. 2011/1730.

(3) Caiff P dynnu'n ôl y cais drwy roi hysbysiad ysgrifenedig i'r rheolwr cynllun ar unrhyw adeg cyn darparu'r datganiad.

(4) Caiff P wneud ail gais yn y cyfnod o 12 mis sy'n dechrau gyda dyddiad y cais cyntaf.

Datganiad o hawlogaeth

144.—(1) Yn y datganiad o hawlogaeth, rhaid i'r rheolwr cynllun bennu'r dyddiad y cyfrifir y cyfwerth ariannol neu'r gwerth trosglwyddiad clwb drwy gyfeirio ato ("y dyddiad gwarant").

(2) Ac eithrio pan fo paragraff (4) yn gymwys, rhaid i'r dyddiad gwarant fod o fewn y ddau gyfnod canlynol—

(a) y cyfnod o dri mis sy'n dechrau gyda dyddiad cais yr aelod am y datganiad o hawlogaeth ("y cyfnod o dri mis"); a

(b) y cyfnod o 10 diwrnod sy'n diweddu gyda'r dyddiad pan ddarperir y datganiad hwnnw i'r aelod ("y cyfnod o 10 diwrnod").

(3) Wrth gyfrif y cyfnod o 10 diwrnod, rhaid peidio â chynnwys dyddiau Sadwrn, dyddiau Sul, Dydd Nadolig, Dydd Calan na Dydd Gwener y Groglith.

(4) Caiff y rheolwr cynllun, yn y datganiad o hawlogaeth, bennu dyddiad gwarant sy'n dod o fewn y chwe mis sy'n dechrau gyda dyddiad cais yr aelod am ddatganiad o hawlogaeth—

(a) os, am resymau sydd y tu hwnt i reolaeth y rheolwr cynllun, na ellir cael yr wybodaeth sydd ei hangen i gyfrifo swm y cyfwerth ariannol neu'r gwerth trosglwyddiad clwb cyn diwedd y cyfnod o dri mis; a

(b) os yw'r rheolwr cynllun o'r farn ei bod yn rhesymol pennu dyddiad gwarant sydd y tu allan i'r cyfnod o dri mis.

Cais am wneud taliad trosglwyddo

145.—(1) Caiff aelod actif neu ohiriedig o'r cynllun hwn, y darparwyd iddo ddatganiad o hawlogaeth, wneud cais am wneud taliad trosglwyddo mewn cysylltiad â hawliau cronedig yr aelod i gael buddion o dan y cynllun hwn.

(2) Rhaid gwneud y cais am daliad trosglwyddo drwy roi hysbysiad ysgrifenedig i'r rheolwr cynllun, a phennu'r cynllun pensiwn neu'r trefniant pensiwn arall y gwneir y taliad trosglwyddo i mewn iddo.

(3) Rhaid i aelod gohiriedig arfer yr hawl i wneud cais am daliad o werth trosglwyddiad clwb ar neu cyn y cynharaf o'r canlynol, sef y diwrnod cyn bo'r aelod gohiriedig yn cyrraedd yr oedran pensiwn gohiriedig, a diwedd y cyfnod o 12 mis sy'n dechrau gyda'r dyddiad y peidiodd yr aelod gohiriedig â bod yn aelod actif o'r cynllun.

(3) P may withdraw the application by written notice to the scheme manager at any time before the statement is provided.

(4) P may make a second application in the period of 12 months beginning with the date of the first application.

Statement of entitlement

144.—(1) The scheme manager must specify in the statement of entitlement the date by reference to which the cash equivalent or club transfer value is calculated ("the guarantee date").

(2) Unless paragraph (4) applies, the guarantee date must fall within both the following periods—

(a) the three months beginning with the date of the member's application for the statement of entitlement ("the three month period"); and

(b) the 10 days ending with the date on which the member is provided with that statement ("the 10 day period").

(3) In counting the 10 day period, Saturdays, Sundays, Christmas Day, New Year's Day and Good Friday are excluded.

(4) The scheme manager may specify in the statement of entitlement a guarantee date that falls within the six months beginning with the date of the member's application for the statement of entitlement if—

(a) for reasons beyond the control of the scheme manager, the information needed to calculate the amount of the cash equivalent or club transfer value cannot be obtained before the end of the three month period; and

(b) the scheme manager considers it reasonable to specify a guarantee date that falls outside the three month period.

Request for transfer payment to be made

145.—(1) An active or a deferred member of this scheme who is provided with a statement of entitlement may request a transfer payment to be made in respect of the member's accrued rights to benefits under this scheme.

(2) The request for transfer payment must be made by written notice to the scheme manager and specify the pension scheme or other pension arrangement to which the transfer payment is to be made.

(3) A deferred member must exercise the right to apply for the payment of a club transfer value on or before the earlier of the day before the deferred member attains the deferred pension age and the end of the period of 12 months beginning with the date on which the deferred member ceased to be an active member of the scheme.

(4) Rhaid i aelod gohiriedig arfer yr hawl i wneud cais am daliad o werth drosglwyddo ar neu cyn y dyddiad cyn y diwrnod y mae'r aelod gohiriedig yn cyrraedd yr oedran pensiwn gohiriedig.

(5) Yn ddarostyngedig i baragraff (6), caiff yr aelod, drwy roi hysbysiad ysgrifenedig i'r rheolwr cynllun, dynnu'r cais yn ôl ar unrhyw adeg cyn gwneud y taliad trosglwyddo.

(6) Ni chaiff yr aelod dynnu'r cais yn ôl os ymunwyd eisoes mewn cytundeb gyda thrydydd parti ar gyfer defnyddio'r cyfan neu ran o'r taliad trosglwyddo.

Cyfrifo swm gwerth trosglwyddiad neu werth trosglwyddiad clwb

146.—(1) Yn ddarostyngedig i baragraffau (2) a (3), rhaid cyfrifo swm y gwerth trosglwyddo yn unol â chanllawiau actiwaraidd, fel ar y dyddiad gwarant.

(2) Os telir gwerth trosglwyddo yn ddiweddarach na chwe mis ar ôl y dyddiad gwarant, rhaid cynyddu swm y cyfwerth ariannol gwarantedig yn unol â rheoliadau a wnaed o dan adran 97 (cyfrifo cyfwerthoedd ariannol) o DCauP 1993(**1**).

(3) Os telir gwerth trosglwyddiad clwb yn ddiweddarach na chwe mis ar ôl y dyddiad gwarant, yna, os bydd angen, rhaid cynyddu swm y gwerth trosglwyddiad clwb fel y'i pennir yn y datganiad o hawlogaeth, fel bo'r swm yn hafal i'r hyn y byddai wedi bod, pe bai'r taliad wedi ei wneud ar y dyddiad gwarant.

(4) Os yw'r gwerth trosglwyddiad neu'r gwerth trosglwyddiad clwb yn llai na'r lleiafswm gwerth trosglwyddo, rhaid cynyddu swm y gwerth trosglwyddiad neu'r gwerth trosglwyddiad clwb fel y bo'n hafal i'r lleiafswm gwerth trosglwyddo.

(5) Yn y rheoliad hwn—

ystyr "y lleiafswm gwerth trosglwyddo" ("*the minimum transfer value*") yw cyfanswm y canlynol—

(a) swm yr holl gyfraniadau aelod a thaliadau pensiwn ychwanegol a wnaed gan yr aelod; a

(b) swm yr holl daliadau trosglwyddo a dderbyniwyd gan y cynllun hwn mewn perthynas â'r aelod.

Effaith trosglwyddiadau allan

147. Os gwneir taliad trosglwyddo o dan y Bennod hon mewn cysylltiad â hawliau cronedig aelod i gael buddion o dan y cynllun hwn, mae'r hawliau hynny'n cael eu diddymu.

(**1**) Diwygiwyd adran 97 gan Ddeddf Pensiynau 1995 (p. 26), Atodlen 6, paragraff 4, a chan Ddeddf Cymorth Plant, Pensiynau a Nawdd Cymdeithasol 2000 (p. 19), Atodlen 5, paragraff 8.

(4) A deferred member must exercise the right to apply for the payment of a transfer value on or before the day before the deferred member attains the deferred pension age.

(5) Subject to paragraph (6), the member by written notice to the scheme manager may withdraw the request at any time before the transfer payment is made.

(6) The member may not withdraw the request if an agreement for the use of the whole or part of the transfer payment has already been entered into with a third party.

Calculating the amount of a transfer value or club transfer value

146.—(1) Subject to paragraphs (2) and (3), the amount of the transfer value is to be calculated in accordance with actuarial guidance as at the guarantee date.

(2) If a transfer value is paid later than six months after the guarantee date, the amount of the guaranteed cash equivalent must be increased in accordance with regulations made under section 97 (calculation of cash equivalents) of PSA 1993(**1**).

(3) If a club transfer value is paid later than six months after the guarantee date, the amount of the club transfer value as specified in the statement of entitlement must be increased if necessary so that it is equal to the amount it would have been if the guarantee date had been the date on which the payment is made.

(4) If the transfer value or club transfer value is less than the minimum transfer value, the amount of the transfer value or club transfer value must be increased so that it is equal to the amount of the minimum transfer value.

(5) In this regulation—

"the minimum transfer value" ("*y lleiafswm gwerth trosglwyddo*") means the total of—

(a) the sum of all member contributions and added pension payments made by the member; and

(b) the sum of all transfer payments received by this scheme in relation to the member.

Effect of transfers-out

147. If a transfer payment is made under this Chapter in respect of a member's accrued rights to benefits under this scheme, those rights are extinguished.

(**1**) Section 97 was amended by the Pensions Act 1995 (c. 26), Schedule 6, paragraph 4, and the Child Support, Pensions and Social Security Act 2000 (c. 19), Schedule 5, paragraph 8.

PENNOD 3

Trosglwyddiadau i mewn

Cymhwyso'r Bennod

148. Mae'r Bennod hon yn gymwys mewn perthynas ag aelod actif o'r cynllun hwn sydd â hawliau cronedig o dan gynllun pensiwn arall (P).

Dehongli'r Bennod

149. Yn y Bennod hon—

ystyr "cais am daliad trosglwyddo" ("*transfer payment request*") yw cais i'r rheolwr cynllun o dan y Bennod hon am dderbyn taliad trosglwyddo oddi wrth gynllun pensiwn arall;

ystyr "cynllun pensiwn arall" ("*another pension scheme*") yw—

(a) cynllun pensiwn galwedigaethol arall sy'n gynllun pensiwn cofrestredig ond nad yw'n gynllun cysylltiedig,

(b) cynllun pensiwn tramor cydnabyddedig cymwys at ddibenion Rhan 4 o DC 2004, neu

(c) cynllun pensiwn personol;

ystyr "datganiad gwerth trosglwyddiad clwb" ("*club transfer value statement*") yw datganiad o dan reoliad 153 (datganiad gwerth trosglwyddiad clwb) o swm pensiwn enilledig trosglwyddiad clwb;

ystyr "datganiad trosglwyddo" ("*transfer statement*") yw datganiad o dan reoliad 151 (datganiad trosglwyddo); ac

ystyr "dyddiad trosglwyddo" ("*transfer date*") yw'r cynharaf o'r canlynol—

(a) os yw'r rheolwr cynllun wedi darparu datganiad trosglwyddo neu ddatganiad gwerth trosglwyddiad clwb, y diwrnod olaf o'r cyfnod o ddau fis sy'n dechrau gyda dyddiad y datganiad, neu

(b) y diwrnod pan fo'r rheolwr cynllun yn cael y taliad trosglwyddo.

Cais am dderbyn taliad trosglwyddo

150.—(1) Caiff P, drwy roi hysbysiad ysgrifenedig i'r rheolwr cynllun, wneud cais am dderbyn taliad trosglwyddo mewn cysylltiad â rhai neu'r cwbl o hawliau cronedig P o dan gynllun pensiwn arall.

(2) O ran cais taliad trosglwyddo—

(a) rhaid iddo bennu—

CHAPTER 3

Transfers in

Application of Chapter

148. This Chapter applies in relation to an active member of this scheme who has accrued rights under another pension scheme (P).

Interpretation of Chapter

149. In this Chapter—

"another pension scheme" ("*cynllun pensiwn arall*") means—

(a) another occupational pension scheme that is a registered pension scheme but is not a connected scheme,

(b) a qualifying recognised overseas pension scheme for the purposes of Part 4 of FA 2004, or

(c) a personal pension scheme;

"club transfer value statement" ("*datganiad gwerth trosglwyddiad clwb*") means a statement under regulation 153 (club transfer value statement) of the amount of club transfer earned pension;

"transfer date" ("*dyddiad trosglwyddo*") means the earlier of—

(a) if the scheme manager has provided a transfer statement or a club transfer value statement, the last day of the period of two months beginning with the date of the statement, or

(b) the day on which the transfer payment is received by the scheme manager;

"transfer payment request" ("*cais am daliad trosglwyddo*") means a request to the scheme manager under this Chapter that a transfer payment be accepted from another pension scheme; and "transfer statement" ("*datganiad trosglwyddo*") means a statement under regulation 151 (transfer statement).

Request for acceptance of a transfer payment

150.—(1) P may by written notice to the scheme manager request that a transfer payment be accepted in respect of some or all of P's accrued rights under another pension scheme.

(2) A transfer payment request—

(a) must specify—

(i) y cynllun pensiwn y gwneir cais am i'r taliad trosglwyddo gael ei dderbyn allan ohono, a

(ii) swm disgwyliedig y taliad trosglwyddo; a

(b) yn ddarostyngedig i baragraff (3), rhaid iddo gael ei wneud cyn dechrau'r cyfnod o un flwyddyn sy'n diweddu gyda'r dyddiad pan fo'r aelod yn cyrraedd oedran pensiwn arferol.

(3) Rhaid gwneud cais am dderbyn taliad trosglwyddo oddi wrth gynllun pensiwn analwedigaethol yn ystod y cyfnod o un flwyddyn sy'n dechrau gyda'r diwrnod pan ddaw'r aelod yn aelod actif, neu pa bynnag gyfnod hwy a ganiateir gan y rheolwr cynllun.

(4) Ar ôl cael cais am daliad trosglwyddo, caiff y rheolwr cynllun dderbyn y taliad trosglwyddo.

Datganiad trosglwyddo

151.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas ag—

(a) cais am dderbyn taliad trosglwyddo oddi wrth gynllun pensiwn arall nad yw'n gynllun clwb; a

(b) cais am dderbyn taliad trosglwyddo mewn cysylltiad â phensiwn ychwanegol oddi wrth gynllun clwb arall.

(2) Caiff y rheolwr cynllun ei gwneud yn ofynnol bod P, cyn gwneud cais am daliad trosglwyddo, yn gofyn i reolwr cynllun y cynllun arall ddarparu datganiad o swm y pensiwn trosglwyddedig, wedi ei gyfrifo yn unol â chanllawiau actiwaraidd, y bydd hawl gan P i'w gyfrif o dan reoliad 152 (swm y pensiwn a drosglwyddir), ar yr amod bod y dyddiad trosglwyddo yn digwydd o fewn y cyfnod o ddau fis sy'n dechrau gyda dyddiad y datganiad hwnnw.

Swm pensiwn trosglwyddedig

152.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas ag—

(a) unrhyw daliad trosglwyddo a geir mewn perthynas â P oddi wrth gynllun pensiwn arall nad yw'n gynllun clwb; a

(b) unrhyw daliad trosglwyddo mewn cysylltiad â phensiwn ychwanegol a geir mewn perthynas â P oddi wrth gynllun clwb arall.

(2) Ar gyfer y flwyddyn gynllun y mae'r dyddiad trosglwyddo yn digwydd ynddi, swm y pensiwn trosglwyddedig y mae hawl gan P i'w gyfrif mewn cysylltiad â'r taliad trosglwyddo yw—

(a) y swm a bennir yn y datganiad trosglwyddo; neu

(i) the pension scheme from which the transfer payment is requested to be made, and

(ii) the anticipated amount of the transfer payment; and

(b) subject to paragraph (3), must be made before the beginning of the period of one year ending with the date on which the member reaches normal pension age.

(3) A request that a transfer payment be accepted from a non-occupational pension scheme must be made during the period of one year beginning with the day on which the member becomes an active member or such longer period as the scheme manager may allow.

(4) On receiving a transfer payment request, the scheme manager may accept the transfer payment.

Transfer statement

151.—(1) This regulation applies in relation to—

(a) a request for a transfer payment to be accepted from another pension scheme that is not a club scheme; and

(b) a request for a transfer payment in respect of added pension to be accepted from another club scheme.

(2) The scheme manager may require that, before making a transfer payment request, P must ask the scheme manager of the other scheme to provide a statement of the amount of transferred pension, calculated in accordance with actuarial guidance, that P will be entitled to count under regulation 152 (amount of transferred pension) provided that the transfer date falls within the period of two months beginning with the date of that statement.

Amount of transferred pension

152.—(1) This regulation applies in relation to—

(a) any transfer payment received in relation to P from another pension scheme that is not a club scheme; and

(b) any transfer payment in respect of added pension received in relation to P from another club scheme.

(2) For the scheme year in which the transfer date falls, the amount of transferred pension which P is entitled to count in respect of the transfer payment is—

(a) the amount specified in the transfer statement; or

(b) os na ddarparwyd datganiad o'r fath neu os na chyfrifwyd y swm yn unol â chanllawiau actiwaraidd, swm a gyfrifir gan y rheolwr cynllun yn unol â chanllawiau actiwaraidd.

Datganiad o werth trosglwyddiad clwb

153.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â chais am dderbyn taliad gwerth trosglwyddiad clwb oddi wrth gynllun clwb arall.

(2) Caiff y rheolwr cynllun ei gwneud yn ofynnol bod P, cyn gwneud y cais am daliad trosglwyddo, yn gofyn i reolwr cynllun y cynllun sy'n anfon ddarparu datganiad o swm y pensiwn enilledig trosglwyddiad clwb, wedi ei gyfrifo yn unol â chanllawiau actiwaraidd, y bydd hawl gan P i'w gyfrif o dan reoliad 154 (swm pensiwn enilledig trosglwyddiad clwb), ar yr amod bod y dyddiad trosglwyddo yn digwydd o fewn y cyfnod o ddau fis sy'n dechrau gyda dyddiad y datganiad hwnnw.

(3) Rhaid i'r datganiad bennu ar ba sail yr ailbrisiwyd swm o bensiwn enilledig cronedig o dan y cynllun sy'n anfon tra oedd yr aelod mewn gwasanaeth pensiynadwy o dan y cynllun hwnnw.

Swm pensiwn enilledig trosglwyddiad clwb

154.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â thaliad gwerth trosglwyddiad clwb a gafwyd oddi wrth gynllun clwb arall.

(2) Ar gyfer y flwyddyn gynllun y mae'r dyddiad trosglwyddo yn digwydd ynddi, swm y pensiwn enilledig trosglwyddiad clwb y mae hawl gan P i'w gyfrif yw—

(a) y swm a bennir yn y datganiad gwerth trosglwyddiad clwb; neu

(b) os na ddarparwyd datganiad o'r fath neu os nad yw wedi ei gyfrifo yn unol â chanllawiau actiwaraidd, swm a gyfrifir gan y rheolwr cynllun yn unol â chanllawiau actiwaraidd.

PENNOD 4

Trosglwyddo cofnodion cyfrif pensiwn i reolwr cynllun arall

Gofyniad bod rheolwr cynllun yn darparu tystysgrif

155.—(1) Yn achos aelod actif y peidiodd â bod yn gyflogedig mewn cyflogaeth gynllun gydag un cyflogwr ac a ddechreuodd mewn cyflogaeth gynllun gydag awdurdod arall, rhaid i'r rheolwr cynllun ddarparu tystysgrif sy'n datgan—

(b) if such a statement is not provided or is not calculated in accordance with actuarial guidance, an amount calculated by the scheme manager in accordance with actuarial guidance.

Club transfer value statement

153.—(1) This regulation applies in relation to a request for a club transfer value payment to be accepted from another club scheme.

(2) The scheme manager may require that, before making the transfer payment request, P must ask the scheme manager of the sending scheme to provide a statement of the amount of club transfer earned pension, calculated in accordance with actuarial guidance, that P will be entitled to count under regulation 154 (amount of club transfer earned pension) provided that the transfer date falls within the period of two months beginning with the date of that statement.

(3) The statement must specify the basis on which an amount of accrued earned pension is revalued under the sending scheme while a member is in pensionable service under that scheme.

Amount of club transfer earned pension

154.—(1) This regulation applies in relation to a club transfer value payment received from another club scheme.

(2) For the scheme year in which the transfer date falls, the amount of club transfer earned pension which P is entitled to count is—

(a) the amount specified in the club transfer value statement; or

(b) if such a statement is not provided or is not calculated in accordance with actuarial guidance, an amount calculated by the scheme manager in accordance with actuarial guidance.

CHAPTER 4

Transfer of pension account entries to another scheme manager

Requirement for scheme manager to provide a certificate

155.—(1) A scheme manager must provide an active member who has ceased to be employed by one employer in scheme employment and has taken up scheme employment with another authority with a certificate stating—

(a) y cofnodion yn y cyfrif pensiwn, neu'r cyfrifon pensiwn os oes mwy nag un, ar ddyddiad y dystysgrif;

(b) y cyfnod o wasanaeth pensiynadwy yn y gyflogaeth neu'r cyflogaethau cynllun, gyda'r cyflogwr; ac

(c) y dyddiad y rhoddir y dystysgrif.

(2) Pan fo aelod gohiriedig wedi dechrau mewn cyflogaeth gynllun gydag awdurdod arall ar ôl bwlch mewn gwasanaeth pensiynadwy nad yw'n hwy na phum mlynedd, rhaid i'r aelod ofyn i'r rheolwr cynllun mewn perthynas â'r cyfnod cynharaf o wasanaeth pensiynadwy ddarparu i'r aelod dystysgrif sy'n datgan—

(a) y cofnodion yn y cyfrif pensiwn, neu'r cyfrifon pensiwn os oes mwy nag un, ar ddyddiad y dystysgrif;

(b) y cyfnod o wasanaeth pensiynadwy yn y gyflogaeth neu'r cyflogaethau cynllun, gyda'r cyflogwr hwnnw;

(c) y dyddiad y peidiodd yr aelod â bod yn gyflogedig mewn cyflogaeth gynllun gan y cyflogwr hwnnw; a

(d) y dyddiad y rhoddir y dystysgrif.

(3) Pan yw'n ofynnol bod rheolwr cynllun yn darparu tystysgrif o dan baragraff (1) a'r rheolwr cynllun wedi sefydlu cyfrif pensiwn ychwanegol ar gyfer yr aelod hwnnw, rhaid i'r rheolwr cynllun ddarparu tystysgrif i'r aelod, sy'n datgan—

(a) y cofnodion yn y cyfrif pensiwn ychwanegol ar ddyddiad y dystysgrif;

(b) y dyddiad y rhoddir y dystysgrif; ac

(c) manylion dewisiad pensiwn ychwanegol yr aelod os nad yw'r cyfnod cyfraniadau wedi dod i ben.

(4) Pan yw'n ofynnol bod rheolwr cynllun yn darparu tystysgrif o dan baragraff (2), neu pan fo aelod gohiriedig yn bwriadu gwneud dewisiad pensiwn ychwanegol ar ôl dechrau cyflogaeth gynllun yn dilyn bwlch mewn gwasanaeth pensiynadwy sy'n hwy na phum mlynedd, a'r rheolwr cynllun mewn perthynas â chyfnod blaenorol o wasanaeth pensiynadwy wedi sefydlu cyfrif pensiwn ychwanegol, rhaid i'r rheolwr cynllun, os gofynnir iddo gan yr aelod, ddarparu tystysgrif i'r aelod, sy'n datgan—

(a) y cofnodion yn y cyfrif pensiwn ar ddyddiad y dystysgrif;

(b) y dyddiad y peidiodd yr aelod â bod yn gyflogedig mewn cyflogaeth gynllun gan y cyflogwr hwnnw; ac

(c) y dyddiad y rhoddir y dystysgrif.

(a) the entries in the pension account, or pension accounts if more than one, at the date of the certificate;

(b) the period of pensionable service in the scheme employment, or employments, with the employer; and

(c) the date on which the certificate is given.

(2) Where a deferred member has taken up scheme employment with another authority after a gap in pensionable service not exceeding five years, the member must request the scheme manager in relation to the earlier period of pensionable service to provide the member with a certificate stating—

(a) the entries in the pension account, or pension accounts if more than one, at the date of the certificate;

(b) the period of pensionable service in the scheme employment, or employments, with that employer;

(c) the date on which the member had ceased to be employed in scheme employment by that employer; and

(d) the date on which the certificate is given.

(3) Where a scheme manager is required to provide a certificate under paragraph (1) and the scheme manager had established an added pension account for that member, the scheme manager must provide the member with a certificate stating—

(a) the entries in the added pension account at the date of the certificate;

(b) the date on which the certificate is given; and

(c) details of the member's added pension election where the contributions period has not ended.

(4) Where a scheme manager is required to provide a certificate under paragraph (2), or where a deferred member intends to make an added pension election having taken up scheme employment after a gap in pensionable service exceeding five years, and the scheme manager in relation to a previous period of pensionable service had established an added pension account, the scheme manager must provide the member with a certificate, where the member requests one, stating—

(a) the entries in the pension account at the date of the certificate;

(b) the date on which the member had ceased to be employed in scheme employment by that employer; and

(c) the date on which the certificate is given.

(5) Pan fo gan aelod actif ddau neu ragor o gyfrifon aelod actif gyda dau neu ragor o reolwyr cynllun gwahanol, a'r aelod yn bwriadu gwneud, neu wedi gwneud, dewisiad pensiwn ychwanegol, caiff yr aelod ofyn am dystysgrif gan y rheolwr cynllun a sefydlodd y cyfrif pensiwn ychwanegol er mwyn gallu darparu'r dystysgrif honno i reolwr cynllun arall (B) mewn cysylltiad â chyfrif aelod actif gwahanol, fel y gellir trosglwyddo'r cofnodion i gyfrif pensiwn ychwanegol a sefydlir gan B.

(6) Rhaid i'r rheolwr cynllun ddarparu tystysgrif o dan y rheoliad hwn—

(a) o fewn tri mis wedi'r dyddiad y mae'r aelod actif yn gadael cyflogaeth gynllun; neu

(b) o fewn tri mis wedi'r dyddiad y mae'r aelod gohiriedig yn hysbysu'r rheolwr cynllun o'r gyflogaeth gynllun newydd.

Cais am gadarnhau manylion ar dystysgrif

156. Pan fo tystysgrif wedi ei darparu i aelod o dan reoliad 155 (gofyniad bod rheolwr cynllun yn darparu tystysgrif) a'r aelod yn anfodlon ar yr wybodaeth a ddatgenir ar y dystysgrif, caiff yr aelod, o fewn y cyfnod o dri mis sy'n cychwyn ar y dyddiad y cafwyd y dystysgrif, ofyn i'r rheolwr cynllun a ddarparodd y dystysgrif i gadarnhau cywirdeb yr wybodaeth a gynhwysir ynddi neu i ddarparu tystysgrif ddiwygiedig.

Apêl ynghylch cofnodion ar dystysgrif

157.—(1) Os nad yw aelod (P) yn fodlon ar y cofnodion sydd ar y dystysgrif, neu'r dystysgrif ddiwygiedig, wedi i P wneud cais o dan reoliad 156 (cais am gadarnhau manylion ar dystysgrif), caiff P, drwy roi hysbysiad ysgrifenedig i'r rheolwr cynllun a ddarparodd y dystysgrif o fewn 28 i'r dyddiad hysbysu, ei gwneud yn ofynnol bod y rheolwr cynllun yn ymdrin â'r anghytundeb o dan drefniadau a gyflawnwyd gan y rheolwr cynllun yn unol â gofynion adran 50 o Ddeddf Pensiynau 1995(**1**) (datrys anghydfodau) a Rheoliadau Cynlluniau Pensiwn Galwedigaethol (Gweithdrefnau Mewnol i Ddatrys Anghydfodau, Diwygiadau Canlyniadol ac Amrywiol) 2008(**2**).

(**1**) 1995 p. 26. Amnewidiwyd adran 50 gan adran 273 o Ddeddf Pensiynau 2004 (p. 35). Diwygiwyd adran 273 o Ddeddf 2004, cyn iddi gael effaith, gan adran 16 o Ddeddf Pensiynau 2007 (p. 22).
(**2**) O.S. 2008/649.

(5) Where an active member has two or more active member's accounts with two or more different scheme managers, and the member intends to make, or has made, an added pension election, the member may request a certificate from the scheme manager who established the added pension account in order that that certificate may be provided to another scheme manager (B) in respect of a different active member's account so that the entries may be transferred to an added pension account established by B.

(6) The scheme manager must provide a certificate under this regulation—

(a) within three months after the date on which the active member leaves scheme employment; or

(b) within three months after the date on which the deferred member notifies the scheme manager of the new scheme employment.

Request to confirm details on certificate

156. Where a member has been provided with a certificate under regulation 155 (requirement for scheme manager to provide a certificate) and is dissatisfied with the information stated on the certificate, the member may, within the period of three months commencing on the date on which the certificate was received, request the scheme manager who provided the certificate to confirm the accuracy of the information contained in it or to provide an amended certificate.

Appeal concerning entries on the certificate

157.—(1) Where a member (P) is not satisfied with the entries on the certificate, or amended certificate, after P has made a request under regulation 156 (request to confirm details on certificate), P may, by written notice given to the scheme manager who provided the certificate within 28 days of the notification date, require the scheme manager to deal with the disagreement by means of arrangements implemented by the scheme manager pursuant to the requirements of section 50 of the Pensions Act 1995(**1**) (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008(**2**).

(**1**) 1995 c. 26. Section 50 was substituted by the Pensions Act 2004 (c. 35), section 273. Section 273 of the 2004 Act was amended, before coming into effect, by the Pension Act 2007 (c. 22), section 16.
(**2**) S.I. 2008/649.

(2) Ym mharagraff (1), "y dyddiad hysbysu" ("*the notification date*") yw'r dyddiad a drinnir fel y dyddiad pan oedd P wedi cael gan y rheolwr cynllun naill ai gadarnhad o'r dystysgrif a ddarparwyd o dan reoliad 155 neu dystysgrif ddiwygiedig a ddarparwyd yn dilyn cais gan P o dan reoliad 156 (cais am gadarnhau manylion ar dystysgrif).

Trosglwyddo cofnodion cyfrif pensiwn

158.—(1) Rhaid i aelod y darparwyd tystysgrif iddo o dan baragraff (1), (2), (3) neu (4) o reoliad 155 (gofyniad bod rheolwr cynllun yn darparu tystysgrif) roi'r dystysgrif i gyflogwr cynllun newydd yr aelod.

(2) Rhaid i'r cyflogwr cynllun newydd ofyn i'r rheolwr cynllun a roddodd y dystysgrif gadarnhau bod yr aelod wedi darparu tystysgrifau mewn cysylltiad â'r holl gyfrifon pensiwn yr oedd y cyflogwr hwnnw'n rheolwr cynllun ar eu cyfer.

(3) Rhaid i'r rheolwr cynllun a roddodd y dystysgrif ddarparu cadarnhad i'r cyflogwr newydd fod yr aelod wedi darparu tystysgrifau mewn cysylltiad â phob cyfrif pensiwn yr oedd y cyflogwr hwnnw'n rheolwr cynllun ar eu cyfer.

(4) Wedi i'r cadarnhad gael ei ddarparu gan y rheolwr cynllun, rhaid i'r rheolwr cynllun newydd drosglwyddo'r cofnodion priodol o'r dystysgrif i gyfrif pensiwn newydd yr aelod actif a sefydlwyd o dan reoliad 40 (sefydlu cyfrif aelod actif), ac os oedd gan yr aelod gyfrif pensiwn ychwanegol, trosglwyddo'r cofnodion priodol o'r dystysgrif a ddarparwyd mewn cysylltiad â'r cyfrif hwnnw i'r cyfrif pensiwn ychwanegol newydd a sefydlwyd o dan reoliad 47 (sefydlu cyfrif pensiwn ychwanegol).

(5) Ar ôl cwblhau trosglwyddo'r cofnodion o dan baragraff (4), rhaid i'r rheolwr cynllun newydd roi gwybod i'r rheolwr cynllun blaenorol fod y trosglwyddo wedi ei wneud a rhaid i'r rheolwr cynllun blaenorol gau'r holl gyfrifon pensiwn sy'n gysylltiedig â'r tystysgrifau a ddarparwyd mewn cysylltiad â'r aelod.

(6) Os yw nifer y cyfrifon pensiwn, y darparwyd manylion mewn cysylltiad â hwy gan y rheolwr cynllun blaenorol o dan baragraff (1) neu (2) o reoliad 155 (gofyniad bod rheolwr cynllun yn darparu tystysgrif), yn fwy na nifer y cyfrifon aelod actif a sefydlwyd gan y rheolwr cynllun newydd, rhaid i'r aelod benderfynu, ar ôl ymgynghori â'r rheolwr cynllun newydd, o ba gyfrifon pensiwn y bydd rhaid trosglwyddo cofnodion i'r cyfrif neu gyfrifon aelod actif newydd, a hysbysu'r rheolwr cynllun blaenorol.

(7) Pan fo paragraff (6) yn gymwys ac na throsglwyddir cofnodion o un neu ragor o gyfrifon pensiwn, rhaid cau'r cyfrifon hynny a rhaid i'r rheolwr cynllun blaenorol sefydlu cyfrif aelod gohiriedig mewn cysylltiad â phob un o'r cyfrifon hynny.

(2) In paragraph (1), "the notification date" ("*y dyddiad hysbysu*") is the date on which P is treated as having received from the scheme manager confirmation of the certificate provided under regulation 155 or provision of an amended certificate following P's request under regulation 156 (request to confirm details on certificate).

Transfer of pension account entries

158.—(1) A member who has been provided with a certificate under paragraph (1), (2), (3) or (4) of regulation 155 (requirement for scheme manager to provide a certificate) must give the certificate to the member's new scheme employer.

(2) The new scheme employer must request the scheme manager who gave the certificate to confirm that the member has provided certificates in respect of all pension accounts for which that employer was the scheme manager.

(3) The scheme manager who gave the certificate must confirm to the new employer that the member has provided certificates in respect of all pension accounts for which that employer was the scheme manager.

(4) After the confirmation has been provided by the scheme manager, the new scheme employer must transfer the appropriate entries from the certificate to the new active member's pension account which has been established under regulation 40 (establishment of active member's account) and, where the member had an added pension account, transfer the appropriate entries from the certificate provided in respect of that account to the new added pension account established under regulation 47 (establishment of added pension account).

(5) When the transfer of entries has been completed under paragraph (4), the new scheme manager must inform the former scheme manager that the transfer has taken place and the former scheme manager must close all pension accounts relating to the certificates provided in respect of the member.

(6) If the number of pension accounts in respect of which details have been provided by the former scheme manager under paragraph (1) or (2) of regulation 155 (requirement for scheme manager to provide a certificate) is greater than the number of active member's accounts established by the new scheme manager, the member must decide, following consultation with the new scheme manager, from which pension account entries must be transferred to the new active member's account or accounts and notify the former scheme manager.

(7) Where paragraph (6) applies and there are one or more pension accounts from which entries are not transferred, those accounts must be closed and the former scheme manager must establish a deferred member's account in respect of each of those accounts.

(8) Pan fo aelod wedi ymgymryd â chyflogaeth gynllun gyda dau neu ragor o gyflogwyr ac yn bwriadu gwneud dewisiad pensiwn ychwanegol, caiff yr aelod ddewis i ba reolwr cynllun y rhoddir y dystysgrif a ddarperir o dan baragraff (3) neu (4) o reoliad 155 (gofyniad bod rheolwr cynllun yn darparu tystysgrif).

(9) Nid yw'n ofynnol i reolwr cynllun wneud unrhyw daliad i'r rheolwr cynllun newydd mewn cysylltiad â throsglwyddo cyfrif pensiwn.

(8) Where a member has taken up scheme employment with two or more employers and intends to make an added pension election, the member may choose to which scheme manager the certificate provided under paragraph (3) or (4) of regulation 155 (requirement for scheme manager to provide a certificate) is to be given.

(9) The scheme manager is not required to make any payment to the new scheme manager in connection with the transfer of a pension account.

RHAN 11

Prisiadau actiwaraidd

Penodi actiwari'r cynllun a phrisiadau actiwaraidd

159.—(1) Rhaid i Weinidogion Cymru benodi unigolyn i ddarparu gwasanaeth ymgynghori ar faterion actiwaraidd mewn perthynas â'r cynllun hwn ac unrhyw gynllun cysylltiedig.

(2) Actiwari'r cynllun sy'n gyfrifol am—

(a) cyflawni prisiadau o'r cynllun hwn ac unrhyw gynllun cysylltiedig; a

(b) paratoi adroddiadau ar y prisiadau.

(3) Cyn penodi unigolyn yn actiwari'r cynllun, rhaid i Weinidogion Cymru fodloni eu hunain bod gan yr unigolyn gymwysterau priodol i gwblhau prisiadau o'r cynllun hwn ac unrhyw gynllun cysylltiedig yn unol â chyfarwyddiadau'r Trysorlys a wnaed o dan adran 11 o Ddeddf 2013 ("cyfarwyddiadau'r Trysorlys").

(4) Rhaid i reolwr cynllun ddarparu i actiwari'r cynllun unrhyw ddata sy'n ofynnol gan actiwari'r cynllun er mwyn cyflawni prisiad a pharatoi adroddiad ar y prisiad hwnnw.

(5) Rhaid cyflawni prisiad o'r cynllun ac unrhyw gynllun cysylltiedig a pharatoi adroddiad ar y prisiad yn unol â chyfarwyddiadau'r Trysorlys.

(6) Rhaid cyflawni prisiadau o'r cynllun o fewn ffrâm amser sy'n galluogi bodloni'r gofynion yng nghyfarwyddiadau'r Trysorlys mewn perthynas â dyddiadau sy'n gymwys i'r prisio.

Cap ar gostau cyflogwyr

160.—(1) Y cap ar gostau cyflogwyr ar gyfer y cynllun hwn yw 17.1% o enillion pensiynadwy aelodau o'r cynllun hwn.

(2) Os bydd cost y cynllun hwn, a gyfrifir yn dilyn prisiad yn unol â chyfarwyddiadau'r Trysorlys, yn uwch neu'n is na'r cap ar gostau cyflogwyr, o fwy na'r gorsymiau a bennir mewn rheoliadau a wnaed o dan

PART 11

Actuarial valuations

Appointment of scheme actuary and actuarial valuations

159.—(1) The Welsh Ministers must appoint an individual to provide a consulting service on actuarial matters in relation to this scheme and any connected scheme.

(2) The scheme actuary is responsible for—

(a) carrying out valuations of this scheme and any connected scheme; and

(b) preparing reports on the valuations.

(3) Before appointing an individual as scheme actuary the Welsh Ministers must be satisfied that the individual is appropriately qualified to carry out valuations of this scheme and any connected scheme in accordance with Treasury directions made under section 11 of the 2013 Act ("the Treasury directions").

(4) A scheme manager must provide the scheme actuary with any data that the scheme actuary requires in order to carry out a valuation and prepare a report on the valuation.

(5) A valuation of the scheme and any connected scheme and the preparation of a report on the valuation must be carried out in accordance with the Treasury directions.

(6) Valuations of the scheme must be carried out within a time-frame which enables requirements in the Treasury directions regarding dates which are applicable to the valuation to be met.

Employer cost cap

160.—(1) The employer cost cap for this scheme is 17.1% of pensionable earnings of members of this scheme.

(2) Where the cost of this scheme, calculated following a valuation in accordance with the Treasury directions, is more than the margins specified in regulations made under section 12(5) of the 2013

adran 12(5) o Ddeddf 2013(**1**) ("y Rheoliadau Cap Costau"), rhaid i Weinidogion Cymru ddilyn y weithdrefn a bennir ym mharagraff (3) ar gyfer cyrraedd cytundeb gyda rheolwyr cynllun, cyflogwyr ac aelodau (neu gynrychiolwyr cyflogwyr ac aelodau) ynglŷn â'r camau sy'n ofynnol er mwyn cyrraedd y targed cost a bennir yn y Rheoliadau Cap Costau.

(3) Y weithdrefn a bennir at ddibenion adran 12(6)(a) o Ddeddf 2013 yw ymgynghori gyda Bwrdd Cynghori Cynllun Pensiwn Diffoddwyr Tân Cymru am unrhyw gyfnod a ystyrir yn briodol gan Weinidogion Cymru gyda golwg ar gyrraedd cytundeb a gymeradwyir gan holl aelodau'r Bwrdd hwnnw.

(4) Yn dilyn ymgynghoriad o'r fath, os na chyrhaeddir cytundeb o fewn 3 mis ar ôl diwedd y cyfnod ymgynghori, rhaid i Weinidogion Cymru gymryd camau i addasu'r gyfradd y mae buddion yn crynhoi yn unol â hi o dan reoliad 43 (swm y pensiwn ar gyfer blwyddyn gynllun) er mwyn cyrraedd y targed cost ar gyfer y cynllun hwn.

Act(**1**) ("the Cost Cap Regulations") above or below the employer cost cap, the Welsh Ministers must follow the procedure specified in paragraph (3) for reaching agreement with the scheme managers, employers and members (or representatives of employers and members) as to the steps required to achieve the target cost specified in the Cost Cap Regulations.

(3) The procedure specified for the purposes of section 12(6)(a) of the 2013 Act is consultation for such period as the Welsh Ministers consider appropriate with the Firefighters' Pension Scheme Advisory Board for Wales with a view to reaching an agreement endorsed by all members of that Board.

(4) If, following such consultation, agreement is not reached within 3 months of the end of the consultation period, the Welsh Ministers must take steps to adjust the rate at which benefits accrue under regulation 43 (amount of pension for a scheme year) so that the target cost for this scheme is achieved.

RHAN 12

Penderfyniadau ac apelau

PENNOD 1

Penderfyniadau a rôl YMCA

Penderfyniadau gan y rheolwr cynllun

161. Rhaid i'r rheolwr cynllun benderfynu a oes hawl gan berson i gael dyfarniad neu i gadw dyfarniad.

Rôl YMCA mewn penderfyniadau gan y rheolwr cynllun

162.—(1) Wrth benderfynu a oes hawl gan berson i gael dyfarniad, neu i gadw dyfarniad, pan fo'r penderfyniad ynglŷn â'i hawlogaeth yn dibynnu yn rhannol ar afiechyd neu alluogrwydd y person y byddai ganddo'r hawlogaeth honno, rhaid i'r rheolwr cynllun gael barn ysgrifenedig yr YMCA ar unrhyw fater sydd o natur feddygol, yn gyfan gwbl neu'n rhannol.

(2) Rhaid i'r rheolwr cynllun ofyn i YMCA ddarparu barn ar y materion canlynol at y diben o benderfynu unrhyw gwestiwn sy'n codi o dan y cynllun hwn—

(a) a yw person yn analluog i gyflawni unrhyw rai o ddyletswyddau'r rôl y cyflogid y person hwnnw ynddi ddiwethaf, oherwydd anallu meddyliol neu gorfforol;

PART 12

Determinations and appeals

CHAPTER 1

Determinations and role of IQMP

Determinations by the scheme manager

161. The scheme manager must determine whether a person is entitled to an award or to retain an award.

Role of IQMP in determinations by the scheme manager

162.—(1) In making a determination as to whether a person is entitled to an award, or to retain an award, where the determination as to entitlement depends in part on the ill-health or capacity of the person who would be so entitled, the scheme manager must obtain the written opinion of the IQMP on any issue which is wholly or partly of a medical nature.

(2) The scheme manager must request an IQMP to provide an opinion on the following issues for the purpose of determining any question arising under this scheme—

(a) whether a person is incapable of performing any duties of the role in which that person was last employed because of incapacity of mind or body;

(**1**) Gweler rheoliad 3 o O.S. 2014/575.

(**1**) See regulation 3 of S.I. 2014/575.

(b) a yw'r anallu yn is-baragraff (a) uchod yn debygol o barhau tan yr oedran pensiwn arferol neu'r oedran pensiwn gohiriedig, yn ôl fel y digwydd;

(c) a yw person wedi dod yn alluog i gyflawni unrhyw rai o ddyletswyddau'r rôl yr ymddeolodd y person hwnnw ohoni ar sail afiechyd;

(d) a yw person yn alluog, neu wedi dod yn alluog i ymgymryd â chyflogaeth reolaidd; neu

(e) unrhyw fater arall sydd o natur feddygol, yn gyfan gwbl neu'n rhannol.

(3) Yn ddarostyngedig i baragraff (6), rhaid i'r YMCA ardystio o dan baragraff (2) nad yw'r—

(a) YMCA, yn flaenorol, wedi cynghori, wedi mynegi barn, nac wedi bod yn ymwneud rywfodd arall, yn yr achos penodol y gofynnwyd am farn ar ei gyfer; a

(b) YMCA yn gweithredu, ac na fu ar unrhyw adeg yn gweithredu, fel cynrychiolydd yr aelod, y rheolwr cynllun, nac unrhyw barti arall mewn cysylltiad â'r un achos.

(4) Mae barn YMCA o dan baragraff (2) yn rhwymo'r rheolwr cynllun onis disodlir gan ymateb yr YMCA o dan reoliad 163(2) (adolygu barn feddygol) neu ganlyniad apêl o dan reoliad 164 (apelau yn erbyn penderfyniadau ar sail tystiolaeth feddygol).

(5) Mae ymateb yr YMCA o dan reoliad 163 (adolygu barn feddygol) neu ganlyniad apêl o dan reoliad 164 (apelau yn erbyn penderfyniadau ar sail tystiolaeth feddygol), yn ôl fel y digwydd, yn rhwymo'r rheolwr cynllun.

(6) Pan fo aelod, o ganlyniad i farn a roddwyd o dan baragraff (2), wedi ymddeol ar sail afiechyd, caiff yr YMCA a roddodd y farn, os gofynnir iddo wneud hynny gan y rheolwr cynllun at ddibenion adolygiad o dan reoliad 77(1) (adolygu dyfarniad afiechyd neu daliad o bensiwn ymddeol yn gynnar), roi barn bellach.

(7) Os—

(a) yw person, yn fwriadol neu'n esgeulus, yn methu ag ymostwng i'w archwilio yn feddygol gan yr YMCA a ddewiswyd gan y rheolwr cynllun; a

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

caiff y rheolwr cynllun wneud penderfyniad yn y mater ar sail pa bynnag dystiolaeth feddygol arall a ystyrir yn briodol gan y rheolwr cynllun, neu heb dystiolaeth feddygol.

(8) O fewn 14 diwrnod ar ôl gwneud penderfyniad o dan y Rheoliadau hyn, rhaid i'r rheolwr cynllun—

(b) whether the incapacity in sub-paragraph (a) above is likely to continue until normal pension age or deferred pension age, as the case may be;

(c) whether a person has become capable of performing any duties of the role from which that person retired on grounds of ill-health;

(d) whether a person is or has become capable of undertaking regular employment; or

(e) any other issue wholly or partly of a medical nature.

(3) Subject to paragraph (6), the IQMP must certify under paragraph (2) that—

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

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

(4) An IQMP's opinion under paragraph (2) is binding on the scheme manager unless it is superseded by the IQMP's response under regulation 163(2) (review of medical opinion) or the outcome of an appeal under regulation 164 (appeals against determinations based on medical evidence).

(5) The IQMP's response under regulation 163 (review of medical opinion) or the outcome of an appeal under regulation 164 (appeals against determinations based on medical evidence), as the case may be, is binding on the scheme manager.

(6) Where, in consequence of an opinion given under paragraph (2), a member has retired on the grounds of ill-health, the IQMP who gave the opinion may, if so requested by the scheme manager for the purposes of a review under regulation 77(1) (review of ill-health award or early payment of retirement pension), give a further opinion.

(7) If—

(a) a person wilfully or negligently fails to submit to medical examination by the IQMP selected by the scheme manager; and

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

the scheme manager may make a determination on the issue on such other medical evidence as the scheme manager thinks fit, or without medical evidence.

(8) Within 14 days of making a determination under these Regulations, the scheme manager must—

(a) rhoi hysbysiad ysgrifenedig o'r penderfyniad i'r person dan sylw; a

(b) yn achos penderfyniad ar fater sy'n gyfan gwbl neu'n rhannol o natur feddygol, oni bai bod paragraff (7) yn gymwys, cyflenwi'r person hwnnw â chopi o'r farn a gafwyd o dan baragraff (2).

Adolygu barn feddygol

163.—(1) Pan fo—

(a) tystiolaeth newydd ar fater sy'n gyfan gwbl neu'n rhannol o natur feddygol yn cael ei chyflwyno i'r rheolwr cynllun gan aelod (P), y gwnaed penderfyniad mewn cysylltiad ag ef o dan y Rheoliadau hyn;

(b) y rheolwr cynllun yn cael y dystiolaeth honno—

(i) os cyflenwyd copi o farn yn unol â rheoliad 162(8) (rôl YMCA mewn penderfyniadau gan y rheolwr cynllun), o fewn 28 diwrnod wedi i P gael y copi hwnnw, a

(ii) mewn unrhyw achos arall, o fewn 28 diwrnod wedi i P gael hysbysiad o benderfyniad y rheolwr cynllun; ac

(c) y rheolwr cynllun a P yn cytuno bod rhaid rhoi cyfle i'r YMCA adolygu'r farn honno yng ngoleuni'r dystiolaeth newydd,

rhaid i'r rheolwr cynllun anfon copi o'r dystiolaeth newydd at yr YMCA a gwahodd yr YMCA i ailystyried y farn honno.

(2) Rhaid i'r ymateb gan YMCA i wahoddiad o dan baragraff (1) fod mewn ysgrifen.

(3) Mae'r ymateb gan YMCA o dan baragraff (2) yn rhwymo'r rheolwr cynllun oni ddisodlir yr ymateb hwnnw gan ganlyniad apêl o dan reoliad 164 (apelau yn erbyn penderfyniadau ar sail tystiolaeth feddygol).

(4) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael ymateb o dan baragraff (2), rhaid i'r rheolwr cynllun ailystyried ei benderfyniad.

(5) O fewn 14 diwrnod ar ôl yr ailystyriaeth honno, rhaid i'r rheolwr cynllun—

(a) rhoi hysbysiad ysgrifenedig i P ei fod wedi cadarnhau ei benderfyniad neu wedi ei ddiwygio (yn ôl fel y digwydd);

(b) os yw'r rheolwr cynllun wedi diwygio ei benderfyniad, cyflenwi P â hysbysiad ysgrifenedig o'r penderfyniad diwygiedig; ac

(c) cyflenwi P â chopi o'r ymateb o dan baragraff (2).

(a) give written notice of it to the person concerned; and

(b) in the case of a determination on an issue wholly or partly of a medical nature, unless paragraph (7) applies, supply that person with a copy of the opinion obtained under paragraph (2).

Review of medical opinion

163.—(1) Where—

(a) new evidence on an issue wholly or partly of a medical nature is presented to the scheme manager by a member (P) in respect of whom a determination has been made under these Regulations;

(b) the scheme manager receives that evidence—

(i) where a copy of an opinion was supplied in accordance with regulation 162(8) (role of IQMP in determinations by the scheme manager), within 28 days of the receipt by P of that copy, and

(ii) in any other case, within 28 days of the receipt by P of notice of the scheme manager's determination; and

(c) the scheme manager and P agree that the IQMP must be given the opportunity of reviewing that opinion in the light of the new evidence,

the scheme manager must send a copy of the new evidence to the IQMP and invite the IQMP to reconsider that opinion.

(2) An IQMP's response to an invitation under paragraph (1) must be in writing.

(3) An IQMP's response under paragraph (2) is binding on the scheme manager unless it is superseded by the outcome of an appeal under regulation 164 (appeals against determinations based on medical evidence).

(4) As soon as reasonably practicable after receiving a response under paragraph (2), the scheme manager must reconsider its determination.

(5) Within 14 days of that reconsideration, the scheme manager must—

(a) give written notice to P that it has confirmed its determination or revised its determination (as the case may be);

(b) if it has revised its determination, supply P with written notice of the revised determination; and

(c) supply P with a copy of the response under paragraph (2).

PENNOD 2

Apelau i'r Bwrdd Canolwyr Meddygol

Apelau yn erbyn penderfyniadau ar sail tystiolaeth feddygol

164.—(1) Caiff aelod (P) sy'n dymuno apelio yn erbyn penderfyniad rheolwr cynllun ar fater o natur feddygol apelio felly i fwrdd o ganolwyr meddygol yn unol â darpariaethau rheoliadau 165 (hysbysiad o apêl) i 172 (hysbysiadau etc).

(2) Yn ddarostyngedig i baragraff (3), pan fo penderfyniad—

(a) wedi ei wneud mewn cysylltiad â barn a gafwyd o dan reoliad 162(2) (rôl YMCA mewn penderfyniadau gan y rheolwr cynllun) neu dystiolaeth feddygol y dibynnwyd arni fel y crybwyllir yn rheoliad 162(7); neu

(b) yn cael ei ailystyried o dan reolid 163(4) (adolygu barn feddygol) mewn cysylltiad ag ymateb o dan baragraff (2) o'r rheoliad hwnnw,

rhaid i'r rheolwr cynllun, o fewn 14 diwrnod ar ôl gwneud, cadarnhau neu ddiwygio'r penderfyniad (yn ôl fel y digwydd), anfon at P y dogfennau a grybwyllir ym mharagraff (4).

(3) Nid oes dim ym mharagraff (2) sy'n ei gwneud yn ofynnol cyflenwi dogfennau a gyflenwyd eisoes o dan reoliad 162(8) neu 163(5).

(4) Y dogfennau yw—

(a) copi o'r farn, yr ymateb neu'r dystiolaeth, (yn ôl fel y digwydd);

(b) esboniad o'r weithdrefn ar gyfer apelau o dan y Bennod hon; ac

(c) datganiad bod rhaid i P, os yw P yn dymuno apelio yn erbyn penderfyniad y rheolwr cynllun ar fater meddygol ei natur, roi hysbysiad ysgrifenedig i'r rheolwr cynllun, sy'n datgan enw a chyfeiriad P a sail yr apêl, ddim hwyrach nag 28 diwrnod wedi i P gael yr olaf o'r dogfennau y mae'n ofynnol eu cyflenwi o dan y paragraff hwn, neu o fewn pa bynnag gyfnod hwy a ganiateir gan y rheolwr cynllun.

Hysbysiad o apêl

165.—(1) Yn ddarostyngedig i baragraff (2), rhaid rhoi hysbysiad ysgrifenedig o apêl yn erbyn penderfyniad ar fater meddygol ei natur, gan ddatgan—

(a) enw a chyfeiriad yr apelydd (P); a

(b) sail yr apêl,

CHAPTER 2

Appeals to Board of Medical Referees

Appeals against determinations based on medical evidence

164.—(1) A member (P) who wishes to appeal against a scheme manager's determination on an issue of a medical nature may do so to a board of medical referees in accordance with the provisions of regulations 165 (notice of appeal) to 172 (notices etc).

(2) Subject to paragraph (3), where a determination is—

(a) made with regard to an opinion obtained under regulation 162(2) (role of IQMP in determinations by the scheme manager) or medical evidence relied on as mentioned in regulation 162(7); or

(b) reconsidered under regulation 163(4) (review of medical opinion) with regard to a response under paragraph (2) of that regulation,

the scheme manager must, within 14 days of making, confirming or revising the determination (as the case may be), send to P the documents mentioned in paragraph (4).

(3) Nothing in paragraph (2) requires the supply of documents that have already been supplied under regulation 162(8) or 163(5).

(4) The documents are—

(a) a copy of the opinion, response or evidence (as the case may be);

(b) an explanation of the procedure for appeals under this Chapter; and

(c) a statement that if P wishes to appeal against the scheme manager's determination on an issue of a medical nature, P must give written notice to the scheme manager, stating P's name and address and the grounds of appeal, not later than 28 days after P receives the last of the documents required to be supplied under this paragraph, or within such longer period as the scheme manager may allow.

Notice of appeal

165.—(1) Subject to paragraph (2), written notice of appeal against a determination on an issue of a medical nature stating—

(a) the appellant (P)'s name and address; and

(b) the grounds of the appeal,

i'r rheolwr cynllun o fewn 28 diwrnod ar ôl y dyddiad pan fo P yn cael y dogfennau y cyfeirir atynt yn rheoliad 164(4) (apelau yn erbyn penderfyniadau ar sail tystiolaeth feddygol); ac os yw P yn cael y dogfennau hynny ar wahanol ddyddiadau, rhaid eu trin at y diben hwn fel pe bai P wedi eu cael ar y diweddaraf neu'r diweddarach o'r dyddiadau hynny.

(2) Os—

(a) na roddwyd hysbysiad o apêl o fewn y cyfnod a bennir ym mharagraff (1); ond

(b) ym marn y rheolwr cynllun, nad oherwydd bod bai ar P ei hunan y methwyd â rhoi'r hysbysiad o fewn y cyfnod hwnnw,

caiff y rheolwr cynllun estyn y cyfnod ar gyfer rhoi hysbysiad, am ba bynnag gyfnod, o ddim hwy na chwe mis o'r dyddiad a grybwyllir ym mharagraff (1), a ystyrir yn briodol gan y rheolwr cynllun.

Cyfeirio apêl i'r bwrdd

166.—(1) Rhaid i'r rheolwr cynllun, pan gaiff hysbysiad o apêl, gyflenwi Gweinidogion Cymru â thri chopi o'r canlynol—

(a) yr hysbysiad o apêl;

(b) yr hysbysiad o'r penderfyniad perthnasol;

(c) y farn, ymateb neu dystiolaeth (yn ôl fel y digwydd) a gyflenwyd i'r apelydd (P); a

(d) pob dogfen arall ym meddiant neu dan reolaeth y rheolwr cynllun, sy'n ymddangos i'r rheolwr cynllun yn berthnasol i'r mater sy'n destun yr apêl.

(2) Rhaid i Weinidogion Cymru gyfeirio apêl i fwrdd o ganolwyr meddygol ("y bwrdd").

(3) Rhaid i'r bwrdd gynnwys dim llai na thri ymarferydd meddygol a benodir gan, neu'n unol â threfniadau a wnaed gan, Weinidogion Cymru.

(4) Rhaid i un aelod o'r bwrdd fod yn arbenigwr mewn cyflwr meddygol sy'n berthnasol i'r apêl.

(5) Rhaid penodi un aelod o'r bwrdd yn gadeirydd.

(6) Pan fo pleidlais ymhlith aelodau'r bwrdd yn rhannu'n gyfartal, rhaid rhoi ail bleidlais neu bleidlais fwrw i'r cadeirydd.

(7) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cyfeirio apêl i'r bwrdd, rhaid i Weinidogion Cymru gyflenwi gweinyddwr y bwrdd â thri chopi o bob dogfen a gyflenwyd o dan baragraff (1).

(8) Rhaid i'r bwrdd drefnu bod un o'i nifer ('yr aelod-adolygydd') yn adolygu'r dogfennau hynny.

(9) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cwblhau ei adolygiad, rhaid i'r aelod-adolygydd roi hysbysiad ysgrifenedig i Weinidogion Cymru o'r canlynol—

must be given to the scheme manager within 28 days of the date on which P receives the documents referred to in regulation 164(4) (appeals against determinations based on medical evidence); and where P receives those documents on different dates, they are to be treated for this purpose as received on the later or latest of those dates.

(2) Where—

(a) notice of appeal is not given within the period specified in paragraph (1); but

(b) the scheme manager is of the opinion that P's failure to give it within that period was not due to P's own default,

the scheme manager may extend the period for giving notice for such length, not exceeding six months from the date mentioned in paragraph (1), as the scheme manager considers appropriate.

Reference of appeal to the board

166.—(1) On receiving a notice of appeal, the scheme manager must supply the Welsh Ministers with three copies of—

(a) the notice of appeal;

(b) the notice of the relevant determination;

(c) the opinion, response or evidence (as the case may be) supplied to the appellant (P); and

(d) every other document in its possession or under its control which appears to it to be relevant to the issue that is the subject of the appeal.

(2) The Welsh Ministers must refer an appeal to a board of medical referees ("the board").

(3) The board is to consist of not less than three medical practitioners appointed by, or in accordance with arrangements made by, the Welsh Ministers.

(4) One member of the board must be a specialist in a medical condition relevant to the appeal.

(5) One member of the board must be appointed as chairman.

(6) Where there is an equality of votes among the members of the board, the chairman is to have a second or casting vote.

(7) As soon as reasonably practicable after referring an appeal to the board, the Welsh Ministers must supply the board's administrator with three copies of every document supplied under paragraph (1).

(8) The board must arrange for one of their number to review those documents ('the reviewing member').

(9) As soon as reasonably practicable after concluding the review, the reviewing member must give written notice to the Welsh Ministers—

(a) unrhyw wybodaeth arall y byddai'n ddymunol ei darparu, ym marn yr aelod-adolygydd, er mwyn i'r bwrdd gael gwybodaeth ddigonol at y diben o'i alluogi i benderfynu'r apêl; a

(b) os yw hynny'n wir, bod yr aelod-adolygydd o'r farn y caiff y bwrdd ystyried yr apêl yn wacsaw, yn flinderus neu'n amlwg yn ddi-sail.

(10) Ar ôl cael hysbysiad yr aelod-adolygydd, rhaid i Weinidogion Cymru—

(a) os yw'r aelod-adolygydd wedi hysbysu Gweinidogion Cymru y byddai'n ddymunol cael gwybodaeth bellach, ei gwneud yn ofynnol bod y rheolwr cynllun yn ymdrechu ei orau i gael yr wybodaeth honno; a

(b) os yw'r hysbysiad yn cynnwys barn o'r math a ddisgrifir ac a grybwyllir ym mharagraff (9)(b), anfon copi ohono at y rheolwr cynllun.

(11) Rhaid i reolwr cynllun sy'n cael copi o farn aelod-adolygydd, cyn gynted ag y bo'n rhesymol ymarferol—

(a) anfon copi o'r farn honno at P; a

(b) drwy roi hysbysiad ysgrifenedig i P—

(i) hysbysu P y gallai fod yn ofynnol bod P yn talu costau'r rheolwr cynllun, pe bai apêl P yn aflwyddiannus, a

(ii) ei gwneud yn ofynnol bod P yn rhoi gwybod i'r rheolwr cynllun, o fewn 14 diwrnod o ddyddiad yr hysbysiad, pa un ai yw P yn bwriadu mynd ymlaen â'r apêl neu ei thynnu'n ôl.

(12) Rhaid i reolwr cynllun sy'n hysbysu P o dan baragraff (11)(b) roi gwybod i Weinidogion Cymru ynghylch ymateb P i'r hysbysiad o dan is-baragraff 11(b); a rhaid i Weinidogion Cymru hysbysu'r bwrdd yn unol â hynny.

Y weithdrefn pan wneir apêl

167.—(1) Os eir ymlaen i wneud apêl, rhaid i'r bwrdd sicrhau bod yr apelydd (P) a'r rheolwr cynllun ("y partïon") wedi—

(a) eu hysbysu bod yr apêl i gael ei phenderfynu gan y bwrdd; a

(b) eu hysbysu o gyfeiriad lle y gellir anfon cyfathrebiadau ynglŷn â'r apêl, ar gyfer eu cyflwyno i'r bwrdd.

(2) Yn ddarostyngedig i baragraff (5)—

(a) rhaid i'r bwrdd gyfweld ac archwilio P yn feddygol unwaith o leiaf; a

(b) caiff y bwrdd gyfweld neu archwilio P yn feddygol neu beri bod P yn cael ei gyfweld neu ei archwilio'n feddygol ar ba bynnag

(a) of any other information which the reviewing member considers would be desirable so as to provide the board with sufficient information for the purpose of enabling the board to determine the appeal; and

(b) if it is the case, that it is the reviewing member's opinion that the board may regard the appeal as frivolous, vexatious or manifestly ill-founded.

(10) On receipt of the reviewing member's notice the Welsh Ministers must—

(a) where the reviewing member has notified the Welsh Ministers of the desirability of obtaining other information, require the scheme manager to use its best endeavours to obtain that information; and

(b) where the notice contains an opinion of the description mentioned in paragraph (9)(b), send a copy of it to the scheme manager.

(11) A scheme manager which receives a copy of a reviewing member's opinion must, as soon as reasonably practicable—

(a) send a copy of it to P; and

(b) by written notice to P—

(i) advise P that if P's appeal is unsuccessful, P may be required to pay the scheme manager's costs, and

(ii) require P to notify it within 14 days of the date of the notice whether P intends to pursue or withdraw the appeal.

(12) A scheme manager which notifies P under paragraph (11)(b) must inform the Welsh Ministers of P's response to the notice under sub-paragraph 11(b); and the Welsh Ministers must notify the board accordingly.

Procedure where appeal to be pursued

167.—(1) Where an appeal is to be pursued, the board must secure that the appellant (P) and the scheme manager ("the parties") have been informed—

(a) that the appeal is to be determined by the board; and

(b) of an address to which communications relating to the appeal may be delivered to the board.

(2) Subject to paragraph (5), the board—

(a) must interview and medically examine P at least once; and

(b) may interview or medically examine P or cause P to be interviewed or medically examined on such further occasions as the

achlysuron pellach a ystyrir yn angenrheidiol gan y bwrdd at y diben o benderfynu'r apêl.

(3) Rhaid i'r bwrdd bennu amser a lleoliad, a rhoi i'r partïon ddim llai na dau fis o rybudd o'r amser a'r lleoliad, ar gyfer pob cyfweliad ac archwiliad meddygol; ac os bodlonir y bwrdd nad yw P yn gallu teithio, rhaid i'r lleoliad fod ym man preswylio P.

(4) Rhaid i P fod yn bresennol ar yr amser ac yn y lleoliad a bennir ar gyfer unrhyw gyfweliad ac archwiliad meddygol gan y bwrdd, neu gan unrhyw aelod o'r bwrdd, neu unrhyw berson a benodir gan y bwrdd at y diben hwnnw.

(5) Os—

(a) yw P yn methu â chydymffurfio â pharagraff (4); a

(b) na fodlonir y bwrdd fod rheswm rhesymol am y methiant hwnnw,

caiff y bwrdd hepgor y cyfweliad a'r archwiliad meddygol, a chaiff benderfynu'r apêl ar sail pa bynnag wybodaeth sydd ar gael ar y pryd.

(6) Mewn unrhyw gyfweliad o dan y rheoliad hwn, caiff personau fod yn bresennol a benodwyd at y diben gan y rheolwr cynllun neu gan P neu gan y ddau ohonynt.

(7) Os yw'r naill barti neu'r llall yn bwriadu cyflwyno tystiolaeth ysgrifenedig neu ddatganiad ysgrifenedig mewn cyfweliad a gynhelir o dan baragraff (2), rhaid i'r parti, yn ddarostyngedig i baragraff (8), gyflwyno'r dystiolaeth neu'r datganiad i'r bwrdd ac i'r parti arall ddim llai nag 28 diwrnod cyn y dyddiad a bennwyd ar gyfer y cyfweliad.

(8) Os cyflwynir unrhyw dystiolaeth neu ddatganiad ysgrifenedig o dan baragraff (7) llai nag 28 diwrnod cyn y dyddiad a bennwyd ar gyfer y cyfweliad, caniateir cyflwyno unrhyw dystiolaeth neu ddatganiad ysgrifenedig yn ymateb gan y parti arall i'r bwrdd ac i'r parti a gyflwynodd y dystiolaeth neu'r datganiad a grybwyllwyd gyntaf, ar unrhyw adeg hyd at, a chan gynnwys, y dyddiad hwnnw.

(9) Os cyflwynir unrhyw dystiolaeth neu ddatganiad ysgrifenedig yn groes i baragraff (7), caiff y bwrdd ohirio'r dyddiad a bennwyd ar gyfer y cyfweliad, a gwneud yn ofynnol bod y parti a gyflwynodd y dystiolaeth neu'r datganiad yn talu pa bynnag gostau rhesymol a dynnir gan y bwrdd, a chan y parti arall, o ganlyniad i'r gohirio.

Adroddiad y bwrdd

168.—(1) Rhaid i'r bwrdd gyflenwi Gweinidogion Cymru â'r canlynol—

(a) adroddiad ysgrifenedig o'i benderfyniad ar y materion meddygol perthnasol; a

board thinks necessary for the purpose of determining the appeal.

(3) The board must appoint, and give the parties not less than two months' notice of, the time and place for every interview and medical examination; and if the board is satisfied that P is unable to travel, the place must be P's place of residence.

(4) P must attend at the time and place appointed for any interview and medical examination by the board or any member of the board or any person appointed by the board for that purpose.

(5) If—

(a) P fails to comply with paragraph (4); and

(b) the board is not satisfied that there was a reasonable cause for the failure,

the board may dispense with the interview and medical examination and may determine the appeal on such information as is then available.

(6) Any interview under this regulation may be attended by persons appointed for the purpose by the scheme manager or by P or by each of them.

(7) Where either party intends to submit written evidence or a written statement at an interview held under paragraph (2), the party must, subject to paragraph (8), submit the evidence or statement to the board and to the other party not less than 28 days before the date appointed for the interview.

(8) Where any written evidence or statement has been submitted under paragraph (7) less than 28 days before the date appointed for the interview, any written evidence or statement in response may be submitted by the other party to the board and the party submitting the first-mentioned evidence or statement at any time up to, and including, that date.

(9) Where any written evidence or statement is submitted in contravention of paragraph (7), the board may postpone the date appointed for the interview and require the party who submitted the evidence or statement to pay such reasonable costs of the board and of the other party as arise from the postponement.

The board's report

168.—(1) The board must supply the Welsh Ministers with—

(a) a written report of its decision on the relevant medical issues; and

(b) os yw'r bwrdd o'r farn bod yr apêl yn wacsaw, yn flinderus neu'n amlwg yn ddi-sail, datganiad i'r perwyl hwnnw (a gaiff ffurfio rhan o'r adroddiad).

(2) Rhaid i Weinidogion Cymru gyflenwi'r partïon â chopi o'r adroddiad ac o unrhyw adroddiad ar wahân o dan baragraff (1)(b).

Ailystyried gan y bwrdd

169.—(1) Pan fo—

(a) y partïon wedi cael copi o'r adroddiad a gyflenwyd o dan reoliad 168 (adroddiad y bwrdd), a

(b) y partïon yn cytuno bod y bwrdd wedi gwneud camgymeriad ffeithiol sy'n cael effaith berthnasol ar benderfyniad y bwrdd,

rhaid i'r rheolwr cynllun, o fewn 28 diwrnod ar ôl cael yr adroddiad, gyflenwi Gweinidogion Cymru â dau gopi o ddatganiad a gytunir rhwng y partïon.

(2) Rhaid i'r datganiad a gytunir nodi—

(i) y camgymeriad ffeithiol,

(ii) y ffaith gywir, a

gwahodd y bwrdd i ailystyried ei benderfyniad.

(3) Rhaid i Weinidogion Cymru, o fewn 14 diwrnod ar ôl cael y datganiad, gyflenwi'r bwrdd â chopi ohono.

(4) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael y datganiad, rhaid i'r bwrdd ailystyried ei benderfyniad.

(5) O fewn 14 diwrnod ar ôl yr ailystyriaeth honno, rhaid i'r bwrdd—

(a) rhoi hysbysiad ysgrifenedig i Weinidogion Cymru ei fod wedi cadarnhau ei benderfyniad neu wedi diwygio ei benderfyniad, (yn ôl fel y digwydd); a

(b) os yw'r bwrdd wedi diwygio ei benderfyniad, gyflenwi Gweinidogion Cymru ag adroddiad ysgrifenedig o'i benderfyniad diwygiedig.

(6) Rhaid i Weinidogion Cymru gyflenwi'r partïon â chopi 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).

Ffioedd a lwfansau sy'n daladwy i'r bwrdd

170.—(1) Rhaid talu i'r bwrdd ac i'r aelod-adolygydd—

(a) y cyfryw ffioedd a lwfansau (gan gynnwys y rhai sy'n daladwy i'r aelod-adolygydd am waith a wnaed yn adolygu dogfennau o dan reoliad 166(8) (cyfeirio apêl i'r bwrdd)) a benderfynir yn unol â threfniadau a wnaed gan Weinidogion Cymru; neu

(b) if the board is of the opinion that the appeal was frivolous, vexatious or manifestly ill-founded, a statement to that effect (which may form part of the report).

(2) The Welsh Ministers must supply the parties with a copy of the report and of any separate statement under paragraph (1)(b).

Reconsideration by the board

169.—(1) Where—

(a) the parties have received a copy of the report supplied under regulation 168 (the board's report), and

(b) the parties agree that the board has made an error of fact which materially affects the board's decision,

the scheme manager must within 28 days of receipt of the report, supply the Welsh Ministers with two copies of a statement agreed between the parties.

(2) The agreed statement must set out—

(i) the error of fact,

(ii) the correct fact, and

invite the board to reconsider its decision.

(3) The Welsh Ministers must within 14 days of receipt of the statement supply a copy of it to the board.

(4) As soon as reasonably practicable after receiving the statement, the board must reconsider its decision.

(5) 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.

(6) The Welsh Ministers must supply to the parties 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).

Fees and allowances payable to the board

170.—(1) There must be paid to the board and the reviewing member—

(a) such fees and allowances (including those payable to the reviewing member for work undertaken on the review of documents under regulation 166(8) (reference of appeal to the board)) as are determined in accordance with arrangements made by the Welsh Ministers; or

(b) os na wnaed trefniadau o'r fath, y cyfryw ffioedd a lwfansau y caiff Gweinidogion Cymru eu pennu o bryd i'w gilydd.

(2) Rhaid i'r ffioedd a'r lwfansau sy'n daladwy o dan baragraff(1)—

(a) cael eu talu gan y rheolwr cynllun; a

(b) cael eu trin at ddibenion rheoliad 171 (treuliau pob un o'r partïon) fel rhan o dreuliau'r rheolwr cynllun.

Treuliau pob un o'r partïon

171.—(1) Yn ddarostyngedig i reoliad 167(9) (y weithdrefn pan wneir apêl) a pharagraffau (2) i (5) isod, rhaid i bob parti unigol i'r apêl ysgwyddo ei dreuliau ei hunan.

(2) Pan fo'r bwrdd—

(a) yn penderfynu apêl o blaid y rheolwr cynllun; a

(b) yn datgan bod yr apêl, ym marn y bwrdd, yn wacsaw, yn flinderus neu'n amlwg yn ddi-sail,

caiff y rheolwr cynllun ei gwneud yn ofynnol bod yr apelydd (P) yn talu i'r rheolwr cynllun y cyfryw swm, na chaiff fod yn fwy na chyfanswm y ffioedd a'r lwfansau sy'n daladwy i'r bwrdd a'r aelod-adolygydd o dan reoliad 170(1) (ffioedd a lwfansau sy'n daladwy i'r bwrdd), a ystyrir yn briodol gan y rheolwr cynllun.

(3) Pan fo—

(a) P yn rhoi hysbysiad i'r bwrdd—

(i) yn tynnu'r apêl yn ôl, neu

(ii) yn gofyn am ddiddymu, gohirio neu oedi'r dyddiad a bennwyd ar gyfer cyfweliad neu archwiliad meddygol o dan reoliad 167(3), a

rhoddir yr hysbysiad llai na 22 o ddiwrnodau gwaith cyn y dyddiad a bennwyd o dan reoliad 167(3); neu

(b) gweithredoedd neu anweithiau P yn peri i'r bwrdd ddiddymu, gohirio neu oedi rywfodd arall y dyddiad a bennwyd o dan reoliad 167(3), llai na 22 o ddiwrnodau gwaith cyn y dyddiad penodedig,

caiff y rheolwr cynllun ei gwneud yn ofynnol bod P yn talu i'r rheolwr cynllun y cyfryw swm, na chaiff fod yn fwy na chyfanswm y ffioedd a'r lwfansau sy'n daladwy i'r bwrdd o dan reoliad 170(1) (ffioedd a lwfansau sy'n daladwy i'r bwrdd), a ystyrir yn briodol gan y rheolwr cynllun.

(4) Pan—

(a) yw'r bwrdd yn penderfynu apêl o blaid P; a

(b) nad yw'r bwrdd yn cyfarwyddo'n wahanol,

(b) where no such arrangements have been made, such fees and allowances as the Welsh Ministers may from time to time determine.

(2) The fees and allowances payable under paragraph (1) must—

(a) be paid by the scheme manager; and

(b) be treated for the purposes of regulation 171 (expenses of each party) as part of the scheme manager's expenses.

Expenses of each party

171.—(1) Subject to regulation 167(9) (procedure where appeal to be pursued) and paragraphs (2) to (5) below, the expenses of each party to the appeal must be borne by that party.

(2) Where the board—

(a) determines an appeal in favour of the scheme manager; and

(b) states that, in its opinion, the appeal was frivolous, vexatious or manifestly ill-founded,

the scheme manager may require the appellant (P) to pay it such sum, not exceeding the total amount of the fees and allowances payable to the board and the reviewing member under regulation 170(1)(fees and allowances payable to the board), as the scheme manager considers appropriate.

(3) Where—

(a) P gives notice to the board—

(i) withdrawing the appeal, or

(ii) requesting cancellation of, postponement of, or adjournment of the date appointed for an interview or medical examination under regulation 167(3), and

the notice is given less than 22 working days before the date appointed under regulation 167(3); or

(b) P's acts or omissions cause the board to cancel, postpone or otherwise adjourn the date appointed under regulation 167(3) less than 22 working days before the date appointed,

the scheme manager may require P to pay it such sum, not exceeding the total amount of the fees and allowances payable to the board under regulation 170(1) (fees and allowances payable to the board), as the scheme manager considers appropriate.

(4) Where the board—

(a) determines an appeal in favour of P; and

(b) does not otherwise direct,

rhaid i'r rheolwr cynllun ad-dalu i P y swm a bennir ym mharagraff (5).

(5) Y swm yw cyfanswm y canlynol—

(a) unrhyw dreuliau personol a dynnwyd mewn gwirionedd ac yn rhesymol gan P mewn cysylltiad ag unrhyw gyfweliad o dan reoliad 167(2); a

(b) os oedd ymarferydd meddygol cymwysedig a benodwyd gan P yn bresennol mewn unrhyw gyfweliad o'r fath, unrhyw ffioedd a threuliau a dalwyd yn rhesymol gan P mewn cysylltiad â phresenoldeb o'r fath.

(6) At ddibenion paragraffau (2) a (4) rhaid i unrhyw gwestiwn sy'n codi ynglŷn ag a yw penderfyniad y bwrdd o blaid y rheolwr cynllun neu P gael ei benderfynu gan y bwrdd neu, yn niffyg hynny, gan Weinidogion Cymru.

Hysbysiadau etc.

172. Oni phrofir i'r gwrthwyneb, rhaid trin unrhyw hysbysiad, gwybodaeth neu ddogfen y mae hawl gan apelydd (P) i'w gael neu i'w chael at unrhyw ddiben yn rheoliadau 164 (apelau yn erbyn penderfyniadau ar sail tystiolaeth feddygol) i 171 (treuliau pob un o'r partïon), fel pe bai P wedi cael y cyfryw eitem os postiwyd hi mewn llythyr a oedd wedi ei gyfeirio at P ym man preswylio hysbys olaf P.

PENNOD 3

Apelau ar faterion eraill

Apelau ar faterion eraill

173. Os—

(a) yw aelod (P) yn anghytuno â phenderfyniad rheolwr cynllun o dan reoliad 161 (penderfyniadau gan y rheolwr cynllun); a

(b) nad yw'r anghytundeb yn ymwneud â mater o natur feddygol,

caiff P, drwy roi hysbysiad ysgrifenedig i'r rheolwr cynllun o fewn 28 diwrnod ar ôl cael y penderfyniad, ei gwneud yn ofynnol bod y rheolwr cynllun yn ymdrin â'r anghytundeb o dan drefniadau a gyflawnwyd ganddo yn unol â gofynion adran 50 o Ddeddf Pensiynau 1995(**1**) (gofyniad bod trefniadau i ddatrys anghydfodau) a Rheoliadau Cynlluniau Pensiwn Galwedigaethol (Gweithdrefnau Mewnol i Ddatrys Anghydfodau, Diwygiadau Canlyniadol ac Amrywiol) 2008(**2**).

(**1**) 1995 p. 26. Amnewidiwyd adran 50 yn rhinwedd adran 273 o Ddeddf Pensiynau 2004 (p. 35).
(**2**) O.S. 2008/649.

the scheme manager must refund to P the amount specified in paragraph (5).

(5) The amount is the total of—

(a) any personal expenses actually and reasonably incurred by P in respect of any interview under regulation 167(2); and

(b) if any such interview was attended by a qualified medical practitioner appointed by P, any fees and expenses reasonably paid by P in respect of such attendance.

(6) For the purposes of paragraphs (2) and (4), any question arising as to whether the board's determination is in favour of the scheme manager or of P is to be decided by the board or, in default, by the Welsh Ministers.

Notices etc.

172. Any notice, information or document which an appellant (P) is entitled to receive for any purpose of regulations 164 (appeals against determinations based on medical evidence) to 171 (expenses of each party) is, unless the contrary is proved, to be treated as having been received by P if it was posted in a letter addressed to P at P's last known place of residence.

CHAPTER 3

Appeals on other issues

Appeals on other issues

173. Where—

(a) a member (P) disagrees with a scheme manager's determination under regulation 161 (determinations by the scheme manager); and

(b) the disagreement does not involve an issue of a medical nature,

P may, by written notice given to the scheme manager within 28 days of receipt of the determination, require the scheme manager to deal with the disagreement by means of the arrangements implemented by it pursuant to the requirements of section 50 of the Pensions Act 1995(**1**) (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008(**2**).

(**1**) 1995 c. 26. Section 50 has been substituted by virtue of section 273 of the Pensions Act 2004 (c. 35).
(**2**) S.I. 2008/649.

RHAN 13

Atodol

PENNOD 1

Talu pensiynau

Talu addasiad mynegai ymddeol yn hwyr

174. Nid oes dim yn y Rheoliadau hyn sy'n ei gwneud yn ofynnol talu unrhyw ran o bensiwn sy'n briodoladwy i addasiad mynegai ymddeol cyn diwedd y flwyddyn gynllun actif olaf.

Adennill gordaliad o fuddion

175.—(1) Mae'r rheoliad hwn yn gymwys mewn cysylltiad â blwyddyn ariannol y pennir gostyngiad canran ar ei chyfer mewn gorchymyn a wneir o dan adran 9 o Ddeddf 2013(**1**).

(2) Rhaid i'r rheolwr cynllun adennill unrhyw ordaliad o fuddion a ddigwyddodd o ganlyniad i gymhwyso'r addasiad mynegai ymddeol ar gyfer y flwyddyn honno.

(3) Pan fo'r rheoliad hwn yn gymwys, rhaid i'r rheolwr cynllun hysbysu'r aelod mewn ysgrifen yr adenillir y gordaliad drwy leihau swm pob rhandaliad o bensiwn hyd nes bo swm y gordaliad wedi ei adennill, neu drwy hepgor talu unrhyw gynnydd yn swm unrhyw bensiwn sy'n ddyladwy hyd nes bo swm y gordaliad wedi ei adennill.

Lleiafswm pensiwn gwarantedig

176.—(1) Os oes gan aelod leiafswm gwarantedig mewn perthynas â buddion o dan y cynllun hwn—

(a) nid oes dim yn y Rheoliadau hyn sy'n caniatáu nac yn ei gwneud yn ofynnol unrhyw beth a fyddai'n peri nad yw gofynion a wnaed gan neu o dan DCauP 1993, mewn perthynas ag aelod o'r fath a hawliau aelod o'r fath o dan y cynllun hwn, yn cael eu bodloni yn achos yr aelod;

(b) nid oes dim yn y Rheoliadau hyn sy'n rhwystro unrhyw beth rhag cael ei wneud, sy'n angenrheidiol neu'n hwylus at ddibenion bodloni gofynion o'r fath yn achos yr aelod; ac

(**1**) O dan adran 9 o Ddeddf 2013 y newid mewn enillion sydd i'w wneud mewn cyfnod yw y cynnydd neu ostyngiad canran a bennir gan orchymyn Trysorlys o dan yr adran honno mewn perthynas â'r cyfnod hwnnw.

PART 13

Supplementary

CHAPTER 1

Payment of pensions

Late payment of retirement index adjustment

174. Nothing in these Regulations requires any part of a pension attributable to a retirement index adjustment to be paid before the end of the last active scheme year.

Recovery of overpayment of benefits

175.—(1) This regulation applies in respect of a financial year for which a percentage decrease in earnings is specified in an order made under section 9 of the 2013 Act(**1**).

(2) The scheme manager must recover any overpayment of benefits that has occurred as a result of the application of the retirement index adjustment for that year.

(3) When this regulation applies, the scheme manager must notify the member in writing that the amount of the overpayment is to be recovered by reducing the amount of each instalment of pension until the amount of the overpayment is recovered or by omitting to pay any increase in the amount of any pension due until the amount of the overpayment is recovered.

Guaranteed minimum pension

176.—(1) If a member has a guaranteed minimum in relation to benefits under this scheme—

(a) nothing in these Regulations permits or requires anything that would cause requirements made by or under PSA 1993 in relation to such a member and such a member's rights under this scheme not to be met in the case of the member;

(b) nothing in these Regulations prevents anything from being done which is necessary or expedient for the purposes of meeting such requirements in the case of the member; and

(**1**) Under section 9 of the 2013 Act the change in earnings to be applied in a period is the percentage increase or decrease as a Treasury order under that section may specify in relation to the period.

(c) mae'r darpariaethau canlynol yn ddarostyngedig i gyffredinolrwydd y paragraff hwn.

(2) Os, oni bai am y rheoliad hwn—

(a) na fyddai pensiwn yn daladwy i'r aelod o dan y cynllun hwn; neu

(b) byddai cyfradd wythnosol y pensiynau sy'n daladwy yn llai na'r lleiafswm gwarantedig,

bydd pensiwn ar gyfradd wythnosol sy'n hafal i'r lleiafswm gwarantedig yn daladwy i'r aelod am ei oes o'r dyddiad pan fo'r aelod yn cyrraedd oedran LlPG neu, yn ôl fel y digwydd, bydd pensiynau sydd â'u cyfradd wythnosol gyfanredol yn hafal i'r lleiafswm gwarantedig yn daladwy felly.

(3) Yn ddarostyngedig i baragraff (4)—

(a) os yw'r aelod, pan fo'n cyrraedd oedran LlPG yn dal i barhau mewn cyflogaeth (pa un ai yn gyflogaeth gynllun ai peidio); a

(b) pan nad yw'r gyflogaeth yn gyflogaeth gynllun, os yw'r aelod yn cydsynio i ohirio hawlogaeth yr aelod o dan baragraff (2),

nid yw paragraff (2) yn gymwys hyd nes bo'r aelod yn gadael cyflogaeth.

(4) Os yw'r aelod yn parhau mewn cyflogaeth am gyfnod pellach o bum mlynedd ar ôl cyrraedd oedran LlPG ac nad yw'n gadael cyflogaeth bryd hynny, bydd gan yr aelod, o ddiwedd y cyfnod hwnnw ymlaen, yr hawl i gael cymaint o bensiwn yr aelod o dan Ran 5 (buddion ymddeol) a Rhan 7 (buddion ar gyfer aelodau â chredyd pensiwn) ag sy'n hafal i leiafswm gwarantedig yr aelod (neu, yn ôl fel y digwydd, cymaint o bensiynau'r aelod o dan Ran 5 a Rhan 7 ag sydd, ar y cyd, â chyfradd wythnosol sy'n hafal i leiafswm gwarantedig yr aelod), oni fydd yr aelod yn cydsynio i ohiriad pellach o'r hawlogaeth.

(5) Yn yr amgylchiadau y darperir ar eu cyfer ym mharagraff (3) neu (4), cynyddir swm y lleiafswm gwarantedig y mae hawl gan yr aelod i'w gael o dan y rheoliad hwn yn unol ag adran 15 (cynyddu lleiafswm gwarantedig pan fo cychwyn lleiafswm pensiwn gwarantedig wedi ei ohirio) o DCauP 1993.

(6) Os—

(a) yw'r aelod, cyn cyrraedd 65 mlwydd oed, yn cael yr hawl i daliad o bensiwn ar unwaith; a

(b) bod lleiafswm gwarantedig gan yr aelod hwnnw mewn perthynas â'r cyfan neu ran o bensiwn, o ganlyniad i'r cynllun hwn dderbyn taliad trosglwyddo oddi wrth gynllun pensiwn arall yr oedd gan yr aelod leiafswm gwarantedig o'r fath mewn cysylltiad ag ef,

rhaid i gyfradd wythnosol y pensiwn, i'r graddau y mae'n briodoladwy i'r gwasanaeth hwnnw, beidio â bod yn llai na'r lleiafswm gwarantedig, wedi ei luosi â

(c) the following provisions are subject to the generality of this paragraph.

(2) If apart from this regulation—

(a) no pension would be payable to the member under this scheme; or

(b) the weekly rate of the pensions payable would be less than the guaranteed minimum,

a pension at a weekly rate equal to the guaranteed minimum is payable to the member for life from the date on which the member reaches GMP age or, as the case may be, pensions the aggregate weekly rate of which is equal to the guaranteed minimum are so payable.

(3) Subject to paragraph (4), if—

(a) on reaching GMP age the member is still in employment (whether or not it is scheme employment); and

(b) if it is not scheme employment, the member consents to a postponement of the member's entitlement under paragraph (2),

paragraph (2) does not apply until the member leaves employment.

(4) If the member continues in employment for a further five years after reaching GMP age and does not then leave employment, the member is entitled from the end of that period to so much of the member's pension under Part 5 (retirement benefits) and Part 7 (benefits for pension credit members) as equals the member's guaranteed minimum (or, as the case may be, to so much of the member's pensions under Part 5 and Part 7 as together have a weekly rate equal to the member's guaranteed minimum), unless the member consents to a further postponement of the entitlement.

(5) In the circumstances provided for in paragraph (3) or (4), the amount of the guaranteed minimum to which the member is entitled under this regulation is increased in accordance with section 15 (increase of guaranteed minimum where commencement of guaranteed minimum pension postponed) of PSA 1993.

(6) If—

(a) before reaching the age of 65 the member becomes entitled to the immediate payment of a pension; and

(b) the member has a guaranteed minimum in relation to the whole or part of a pension as a result of receipt by this scheme of a transfer payment from another pension scheme in respect of which the member had such a guaranteed minimum,

the weekly rate of the pension, so far as attributable to that service, must not be less than the guaranteed minimum, multiplied by such factor as is indicated in

pha bynnag ffactor a ddynodir mewn tablau a gynhwysir mewn canllawiau actiwaraidd ar gyfer person o'r un oedran a rhyw â'r aelod ar y dyddiad pan ddaw'r pensiwn yn daladwy.

(7) Mae'r paragraff hwn yn gymwys os yw person wedi peidio â bod mewn cyflogaeth sy'n gyflogaeth a gontractiwyd allan o fewn ystyr Rhan 3 o DCauP 1993 (ardystio cynlluniau pensiwn ac effeithiau ar hawliau a dyletswyddau aelodau o dan gynllun y wladwriaeth) drwy gyfeirio at y cynllun hwn, a naill ai—

(a) taliad trosglwyddo wedi ei wneud mewn cysylltiad â holl hawliau'r person i gael buddion o dan y cynllun hwn, ac eithrio hawliau'r person mewn cysylltiad â'i leiafswm gwarantedig neu ei hawliau o dan adran 9(2B)(gofynion ar gyfer ardystio cynlluniau: cyffredinol) o DCauP 1993(**1**) ("hawliau'r person o ran contractio allan"); neu

(b) nad oes gan y person hawliau i gael buddion o dan y cynllun hwn ac eithrio hawliau'r person o ran contractio allan.

(8) Os yw paragraff (7) yn gymwys—

(a) o'r dyddiad y mae'r person yn cyrraedd oedran LlPG, mae hawl gan y person i gael pensiwn sy'n daladwy am ei oes ar gyfradd wythnosol sy'n hafal i leiafswm gwarantedig y person, os oes un; a

(b) o'r dyddiad y mae'r person yn cyrraedd oedran pensiwn arferol o dan y cynllun hwn mae hawl gan y person i gael cyfandaliad a phensiwn mewn cysylltiad â hawliau'r person hwnnw o dan adran 9(2B) o DCauP 1993,

ond nid yw person sy'n dod o fewn paragraff (7) i'w ystyried yn aelod-bensiynwr at ddibenion Rhan 6 (buddion marwolaeth).

(9) Nid yw paragraffau (2) i (8) yn gymwys i bensiwn—

(a) sydd wedi ei fforffedu—

(i) o ganlyniad i gollfarn am frad, neu

(ii) mewn achos pan fo'r drosedd berthnasol o dan reoliad 181 (fforffedu: troseddau a gyflawnir gan aelodau, partneriaid sy'n goroesi neu blant cymwys) yn dod o fewn paragraff (b) o'r diffiniad, yn y rheoliad hwnnw, o "trosedd berthnasol" (troseddau o dan y Deddfau Cyfrinachau Swyddogol);

tables included in actuarial guidance for a person of the member's age and sex at the date on which the pension becomes payable.

(7) This paragraph applies if a person has ceased to be in employment that is contracted-out employment, within the meaning of Part 3 of PSA 1993 (certification of pension schemes and effects on members' state scheme rights and duties), by reference to this scheme and either—

(a) a transfer payment in respect of all the person's rights to benefits under this scheme, except the person's rights in respect of the person's guaranteed minimum or rights under section 9(2B)(requirements for certification of schemes: general) of PSA 1993(**1**) ("the person's contracting-out rights"), has been made; or

(b) the person has no rights to benefits under this scheme apart from the person's contracting-out rights.

(8) If paragraph (7) applies—

(a) from the date on which the person reaches GMP age the person is entitled to a pension payable for life at a weekly rate equal to the person's guaranteed minimum, if any; and

(b) from the date on which the person reaches normal pension age under this scheme the person is entitled to a lump sum and pension in respect of that person's rights under section 9(2B) of PSA 1993,

but a person falling with paragraph (7) is not to be regarded as a pensioner member for the purposes of Part 6 (death benefits).

(9) Paragraphs (2) to (8) do not apply to a pension—

(a) that is forfeited—

(i) as a result of a conviction for treason, or

(ii) in a case where the relevant offence under regulation 181 (forfeiture: offences committed by members, surviving partners or eligible children) falls under paragraph (b) of the definition in that regulation of "relevant offence" (Official Secrets Acts offences);

(**1**) Mewnosodwyd is-adran (2B) gan Ddeddf Pensiynau 1995 (p. 26), adran 136(3) ac fe'i diwygiwyd gan Ddeddf Cyfraniadau Nawdd Cymdeithasol (Trosglwyddo Swyddogaethau etc.) 1999 (p. 2), Atodlen 1, paragraff 35.

(**1**) Subsection (2B) was inserted by the Pensions Act 1995 (c. 26), section 136(3) and amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c .2), Schedule 1, paragraph 35.

(b) pan fo'r pensiwn hwnnw wedi ei gymudo o dan reoliad 177 (cymudo pensiynau bach), a phan fo'r amodau yn rheoliad 60 o Reoliadau Cynlluniau Pensiwn Galwedigaethol (Contractio Allan) 1996(**1**) wedi eu bodloni,

ac os oes unrhyw ddarpariaeth arall o'r cynllun hwn yn anghyson â'r rheoliad hwn, y rheoliad hwn sy'n drech.

(10) Yn y rheoliad hwn, mae cyfeiriadau at swm pensiwn yn gyfeiriadau at ei swm ar ôl didynnu swm y cymudiad, os oes un (ond cyn didynnu swm y dyraniad, os oes un).

Cymudo pensiynau bach

177.—(1) Mae'r rheoliad hwn yn gymwys os nad yw hawlogaeth pensiwn aelod o'r cynllun neu hawlogaeth pensiwn buddiolwr aelod yn fwy na'r uchafswm cymudo pensiynau bach.

(2) Onid yw'r aelod wedi cyrraedd yr oedran pensiwn gohiriedig, nid yw'r rheoliad hwn yn gymwys os yw hawlogaeth pensiwn yr aelod neu hawlogaeth pensiwn buddiolwr yr aelod yn hafal i, neu'n fwy na, lleiafswm gwarantedig yr aelod.

(3) Caiff y rheolwr cynllun dalu i'r aelod, i bartner sy'n goroesi neu i blentyn cymwys gyfandaliad o swm sy'n cynrychioli gwerth ariannol y pensiwn a gyfrifir yn unol â chanllawiau actiwaraidd os yw—

(a) y person yn cydsynio i dderbyn cyfandaliad mewn cysylltiad â'r pensiwn; a

(b) gofynion y darpariaethau cymudo sy'n gymwys yn yr amgylchiadau wedi eu bodloni.

(4) Mae talu cyfandaliad o dan y rheoliad hwn yn lle pensiwn yn rhyddhau o bob rhwymedigaeth o dan y cynllun hwn mewn cysylltiad â'r pensiwn hwnnw.

(5) Yn y rheoliad hwn—

ystyr "y darpariaethau cymudo" ("*the commutation provisions*") yw'r darpariaethau sy'n caniatáu cymudo pensiynau, a nodir yn—

(a) rheoliad 2 o Reoliadau Cynlluniau Pensiwn Galwedigaethol (Aseinio, Fforffedu, Methdalu etc.) 1997(**2**),

(b) paragraff 7 o Atodlen 29 (cyfandaliadau awdurdodedig – atodol) i DC 2004 (sy'n diffinio cyfandaliad cymudo dibwys at

(b) where that pension is commuted under regulation 177 (commutation of small pensions) and where the conditions in regulation 60 of the Occupational Pension Schemes (Contracting-out) Regulations 1996(**1**) are met,

and if any other provision of this scheme is inconsistent with this regulation, this regulation prevails.

(10) In this regulation, references to the amount of a pension are to its amount after the subtraction of the commutation amount, if any (but before the subtraction of the allocation amount, if any).

Commutation of small pensions

177.—(1) This regulation applies if the pension entitlement of a member of the scheme or the pension entitlement of a member's beneficiary does not exceed the small pensions commutation maximum.

(2) Unless the member has reached deferred pension age, this regulation does not apply if the pension entitlement of the member or the member's beneficiary is equal to or exceeds the member's guaranteed minimum.

(3) The scheme manager may pay the member, surviving partner or eligible child a lump sum of an amount as represents the cash value of the pension calculated in accordance with actuarial guidance if—

(a) the person consents to receipt of a lump sum in respect of the pension; and

(b) the requirements of the commutation provisions that apply in the circumstances are met.

(4) The payment of a lump sum under this regulation in place of a pension discharges all liabilities under this scheme in respect of that pension.

(5) In this regulation—

"the commutation provisions" ("*y darpariaethau cymudo*") means the provisions permitting the commutation of pensions set out in—

(a) regulation 2 of the Occupational Pension Schemes (Assignment, Forfeiture, Bankruptcy etc.) Regulations 1997(**2**),

(b) paragraph 7 of Schedule 29 (authorised lump sums-supplementary) to FA 2004 (which defines trivial commutation lump sums for the

(**1**) O.S. 1996/1172. Amnewidiwyd rheoliad 60 gan O.S. 2006/744 ac fe'i diwygiwyd gan 2006/1337, 2009/2930 a 2010/499.
(**2**) O.S. 1997/785. diwygiwyd rheoliad 2 gan O.S. 2002/681, 2005/706, 2006/744, 2006/778 a 2009/2930.

(**1**) S.I. 1996/1172. Regulation 60 was substituted by S.I. 2006/744 and amended by 2006/1337, 2009/2930 and 2010/499.
(**2**) S.I. 1997/785. Regulation 2 was amended by S.I. 2002/681, 2005/706, 2006/744, 2006/778 and 2009/2930.

ddibenion Rhan 4 o'r Ddeddf honno)(**1**) ac, mewn perthynas â phensiwn sy'n daladwy o dan Ran 6 (buddion marwolaeth), paragraff 20 o'r Atodlen honno (sy'n diffinio budd marwolaeth cyfandaliad cymudo dibwys at ddibenion Rhan 4 o'r Ddeddf honno)(**2**), ac

(c) rheoliad 3 o Reoliadau Rhannu Pensiynau (Budd Credyd Pensiwn) 2000(**3**); ac

ystyr "yr uchafswm cymudo pensiynau bach" ("*the small pensions commutation maximum*") yw'r swm y caniateir ei gymudo, o ystyried y darpariaethau cymudo sy'n gymwys yn yr amgylchiadau.

purposes of Part 4 of that Act)(**1**) and, in relation to a pension payable under Part 6 (death benefits), paragraph 20 of that Schedule (which defines trivial commutation lump sum death benefit for the purposes of Part 4 of that Act)(**2**), and

(c) regulation 3 of the Pension Sharing (Pension Credit Benefit) Regulations 2000(**3**); and

"the small pensions commutation maximum" ("*yr uchafswm cymudo pensiynau bach*") means the amount that is permitted to be commuted, having regard to the commutation provisions that apply in the circumstances.

Taliadau ar gyfer personau sy'n analluog i reoli eu busnes eu hunain

178. Os yw'n ymddangos i'r rheolwr cynllun fod hawl gan berson ac eithrio plentyn cymwys i gael taliad o fuddion o dan y cynllun hwn, ond bod y person hwnnw, oherwydd anallu meddyliol neu rywfodd arall, yn analluog i reoli ei fusnes ei hunan—

(a) caiff y rheolwr cynllun dalu'r buddion, neu unrhyw ran ohonynt i berson sy'n gofalu am y person sydd â hawlogaeth, neu i unrhyw berson arall y penderfynir arno gan y rheolwr cynllun, i'w defnyddio er budd y person sydd â hawlogaeth; ac

(b) i'r graddau nad yw'r rheolwr cynllun yn talu'r buddion yn y modd hwnnw, caiff y rheolwr cynllun ddefnyddio'r buddion mewn modd a benderfynir gan y rheolwr cynllun, er budd y person sydd â hawlogaeth, neu unrhyw fuddiolwyr y person sydd â hawlogaeth.

Payments for persons incapable of managing their affairs

178. If it appears to the scheme manager that a person other than an eligible child is entitled to payment of benefits under this scheme but is, by reason of mental incapacity or otherwise, incapable of managing their affairs—

(a) the scheme manager may pay the benefits or any part of them to a person having the care of the person entitled, or such other person as the scheme manager may determine, to be applied for the benefit of the person entitled; and

(b) in so far as the scheme manager does not pay the benefits in that manner, the scheme manager may apply them in such manner as the scheme manager may determine, for the benefit of the person entitled, or any beneficiaries of the person entitled.

Taliadau sy'n ddyledus mewn cysylltiad â phersonau a fu farw

179.—(1) Mae paragraff (2) yn gymwys os, ar farwolaeth person, nad yw'r cyfanswm sy'n ddyladwy o dan y cynllun hwn i gynrychiolwyr personol y person hwnnw (gan gynnwys unrhyw beth a oedd yn ddyladwy ar farwolaeth y person hwnnw) yn fwy na'r swm a bennir mewn unrhyw orchymyn sydd mewn grym am y tro o dan adran 6 o Ddeddf Gweinyddu Ystadau (Taliadau Bach) 1965(**4**) ac sy'n gymwys mewn perthynas â marwolaeth y person hwnnw.

Payments due in respect of deceased persons

179.—(1) Paragraph (2) applies if, when a person dies, the total amount due to that person's personal representatives under this scheme (including anything due at that person's death) does not exceed the amount specified in any order for the time being in force under section 6 of the Administration of Estates (Small Payments) Act 1965(**4**) and applying in relation to that person's death.

(**1**) Diwygiwyd paragraff 7 gan Ddeddf Cyllid 2011 (p. 11), Atodlen 16, paragraffau 23 a 29 ac Atodlen 18, paragraffau 1, 3, a 4; a chan Ddeddf Cyllid 2014 (p. 26), adran 42(1); a chan O.S.2006/572.

(**2**) Diwygiwyd paragraff 20 gan Ddeddf Cyllid 2011 (p. 11), Atodlen 16, paragraffau 32 a 39 ac Atodlen 18, paragraffau 1, 3 a 6.

(**3**) O.S. 2000/1054. Diwygiwyd rheoliad 3 gan O.S. 2009/2930.

(**4**) 1965 p. 32; gwnaed diwygiadau i adran 6, nad ydynt yn berthnasol i'r offeryn hwn.

(**1**) Paragraph 7 was amended by the Finance Act 2011 (c. 11), Schedule 16, paragraphs 23 and 29 and Schedule 18, paragraphs 1, 3, and 4; the Finance Act 2014 (c. 26), section 42(1); and S.I.2006/572.

(**2**) Paragraph 20 was amended by the Finance Act 2011 (c. 11), Schedule 16, paragraphs 32 and 39 and Schedule 18, paragraphs 1, 3 and 6.

(**3**) S.I. 2000/1054. Regulation 3 was amended by S.I. 2009/2930.

(**4**) 1965 c. 32; there are amendments to section 6 which are not relevant to this instrument.

(2) Caiff rheolwr cynllun dalu'r cyfan neu ran o'r swm dyladwy i—

(a) cynrychiolwyr personol y person; neu

(b) unrhyw berson neu bersonau y mae'n ymddangos i'r rheolwr cynllun sydd â hawlogaeth fel buddiolwyr yr ystad,

heb ddangos profiant na llythyrau gweinyddu ystad y person.

Cyfyngiad ar aseinio buddion

180. Mae aseiniad o ddyfarniad o dan y Rheoliadau hyn yn ddi-rym i'r graddau y'i gwneir er budd person ac eithrio dibynnydd y person sydd â hawl i gael y dyfarniad.

PENNOD 2

Fforffedu

Fforffedu: troseddau a gyflawnir gan aelodau, partneriaid sy'n goroesi neu blant cymwys

181.—(1) Os caiff aelod, partner sy'n goroesi neu blentyn cymwys ei gollfarnu am drosedd berthnasol, caiff y rheolwr cynllun, i'r cyfryw raddau ac am y cyfryw gyfnod a ystyria'n briodol, gadw'n ôl bensiynau sy'n daladwy o dan y cynllun hwn i—

(a) yr aelod;

(b) unrhyw berson mewn cysylltiad â'r aelod;

(c) partner sy'n goroesi; neu

(d) plentyn cymwys.

(2) Os yw pensiwn partner sy'n goroesi neu bensiwn plentyn cymwys o dan Ran 6 (buddion marwolaeth) i gael ei gadw'n ôl o dan baragraff (1), o ganlyniad i drosedd berthnasol sy'n dod o fewn is-baragraff (a) neu (b) o'r diffiniad o'r ymadrodd hwnnw ym mharagraff (5), rhaid i'r drosedd fod wedi ei chyflawni ar ôl y farwolaeth a oedd yn peri bod y person yn cael yr hawl i bensiwn partner sy'n goroesi neu bensiwn plentyn cymwys, yn ôl fel y digwydd.

(3) Ni chaiff y rheolwr cynllun gadw'n ôl ddim mwy na'r rhan honno o bensiwn person sydd dros ben unrhyw leiafswm gwarantedig y mae hawl gan y person i'w gael o dan—

(a) adran 14 o DCauP 1993 (lleiafswm gwarantedig enillydd); neu

(b) adran 17 (lleiafswm pensiynau ar gyfer gwragedd a gwŷr gweddw)(**1**) o'r Ddeddf honno.

(2) A scheme manager may pay the whole or part of the amount due to—

(a) a person's personal representatives; or

(b) any person or persons appearing to the scheme manager to be beneficially entitled to the estate,

without the production of probate or letters of administration of the person's estate.

Limitation on assignment of benefits

180. An assignment of an award under these Regulations is void to the extent that it is in favour of a person other than a dependant of the person entitled to the award.

CHAPTER 2

Forfeiture

Forfeiture: offences committed by members, surviving partners or eligible children

181.—(1) If a member, surviving partner or eligible child is convicted of a relevant offence, the scheme manager may, to such extent and for such duration as it considers appropriate, withhold pensions payable under this scheme to—

(a) the member;

(b) any person in respect of the member;

(c) a surviving partner; or

(d) an eligible child.

(2) Where a surviving partner's or an eligible child's pension under Part 6 (death benefits) is to be withheld under paragraph (1) as a result of a relevant offence falling under sub-paragraph (a) or (b) of the definition of that expression in paragraph (5), the offence must have been committed after the death on which the person became entitled to the surviving partner's or eligible child's pension, as the case may be.

(3) The scheme manager may only withhold that part of a person's pension that exceeds any guaranteed minimum to which the person is entitled under—

(a) section 14 of PSA 1993 (earner's guaranteed minimum); or

(b) section 17 (minimum pensions for widows and widowers)(**1**) of that Act.

(**1**) Diwygiwyd adran 17 gan Ddeddf Cyfraniadau Nawdd Cymdeithasol (Trosglwyddo Swyddogaethau, etc.) 1999 (p. 2), Atodlen 1, paragraff 39; Deddf Cymorth Plant, Pensiynau a Nawdd Cymdeithasol 2000 (p. 19), Atodlen 5, paragraff 1 ac Atodlen 9, Rhan 3; Deddf Pensiynau 2004 (p. 35), adran 284(2); Deddf Pensiynau 2007 (p.22), adran 14(2); Deddf Priodasau (Cyplau o'r Un Rhyw) 2013 (p. 30), Atodlen 4, paragraffau 18 ac 20; ac O.S. 2005/2050 a 2014/560.

(**1**) Section 17 was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Schedule 1, paragraph 39; the Child Support, Pensions and Social Security Act 2000 (c. 19), Schedule 5, paragraph 1 and Schedule 9, Part 3; the Pensions Act 2004 (c. 35), section 284(2); the Pensions Act 2007 (c. 22) section 14(2); the Marriage (Same Sex Couples) Act 2013 (c. 30), Schedule 4, paragraphs 18 and 20; and S.I. 2005/2050 and 2014/560.

(4) Caiff y rheolwr cynllun, ar unrhyw adeg ac i'r cyfryw raddau ac am y cyfryw gyfnod a ystyria'n briodol—

(a) defnyddio er budd unrhyw ddibynnydd yr aelod; neu

(b) adfer i'r aelod,

gymaint o unrhyw bensiwn ag a gadwyd yn ôl o dan y rheoliad hwn.

(5) Yn y rheoliad hwn—

ystyr "trosedd berthnasol" ("*relevant offence*") yw—

(a) trosedd o frad,

(b) trosedd o dan y Deddfau Cyfrinachau Swyddogol 1911 i 1989(**1**) y dedfrydwyd yr aelod amdani ar yr un achlysur—

(i) i gyfnod o garchar am o leiaf 10 mlynedd, neu

(ii) i ddau neu ragor o gyfnodau olynol o garchar sydd â'u hyd cyfanredol yn 10 mlynedd o leiaf, neu

(c) trosedd—

(i) a gyflawnwyd mewn cysylltiad â chyflogaeth gynllun yr aelod; a

(ii) y dyroddwyd tystysgrif fforffedu mewn cysylltiad â hi gan Weinidogion Cymru;

ystyr "tystysgrif fforffedu" ("*forfeiture certificate*") yw tystysgrif sy'n datgan bod Gweinidogion Cymru o'r farn bod y drosedd—

(a) wedi peri niwed difrifol i fuddiannau'r Wladwriaeth, neu

(b) yn debygol o arwain at golled hyder ddifrifol yn y gwasanaeth cyhoeddus.

Fforffedu pensiynau: troseddau a gyflawnir gan bersonau eraill

182.—(1) Os collfernir person ("P") o lofruddiaeth aelod, rhaid i'r rheolwr cynllun gadw'n ôl y cyfan o unrhyw bensiwn partner sy'n goroesi neu bensiwn plentyn cymwys a fyddai, fel arall, yn daladwy i P mewn cysylltiad â'r aelod o dan Ran 6 (buddion marwolaeth).

(2) Os collfernir P o drosedd berthnasol, caiff y rheolwr cynllun, i'r cyfryw raddau yr ystyria'n briodol, gadw'n ôl unrhyw bensiwn partner sy'n goroesi neu bensiwn plentyn cymwys sy'n daladwy i P mewn cysylltiad ag aelod o dan Ran 6 (buddion marwolaeth).

(**1**) 1989 p. 6; gweler adran 16(2) ar gyfer ystyr "Official Secrets Acts 1911 to 1989".

(4) The scheme manager may, at any time and to such extent and for such duration as it thinks fit—

(a) apply for the benefit of any dependant of the member; or

(b) restore to the member,

so much of any pension as has been withheld under this regulation.

(5) In this regulation—

"forfeiture certificate" ("*tystysgrif fforffedu*") means a certificate stating that the Welsh Ministers consider that the offence—

(a) has been gravely injurious to the interests of the State, or

(b) is liable to lead to serious loss of confidence in the public service;

"relevant offence" ("*trosedd berthnasol*") means—

(a) an offence of treason,

(b) an offence under the Official Secrets Acts 1911 to 1989(**1**) for which the member has been sentenced on the same occasion—

(i) to a term of imprisonment of at least 10 years, or

(ii) to two or more consecutive terms amounting in the aggregate to at least 10 years, or

(c) an offence—

(i) committed in connection with the member's scheme employment; and

(ii) in respect of which the Welsh Ministers have issued a forfeiture certificate.

Forfeiture of pensions: offences committed by other persons

182.—(1) If a person ("P") is convicted of the murder of a member, the scheme manager must withhold all of any surviving partner's or eligible child's pension otherwise payable to P in respect of the member under Part 6 (death benefits).

(2) If P is convicted of a relevant offence, the scheme manager may, to such extent as it considers appropriate, withhold any surviving partner's or eligible child's pension payable to P in respect of a member under Part 6 (death benefits).

(**1**) 1989 c. 6; see section 16(2) for the meaning of "Official Secrets Acts 1911 to 1989".

(3) Os yw paragraff (1) yn gymwys, mae Rhan 6 (buddion marwolaeth) yn gymwys fel pe buasai farw P cyn yr aelod.

(4) O dan baragraff (2), ni chaiff y rheolwr cynllun gadw'n ôl ddim mwy na'r rhan o bensiwn P sydd dros ben unrhyw leiafswm gwarantedig y mae hawl gan P i'w gael o dan adran 17 o DCauP 1993(**1**).

(5) Os collfernir P o lofruddiaeth aelod a diddymir y gollfarn yn ddiweddarach yn dilyn apêl, mae unrhyw bensiwn partner sy'n goroesi neu bensiwn plentyn cymwys a gadwyd yn ôl yn daladwy o'r diwrnod ar ôl y diwrnod y bu farw'r aelod, a rhaid i'r rheolwr cynllun, cyn gynted ag y bo'n rhesymol ymarferol ar ôl diddymu'r gollfarn, dalu'r ôl-ddyled gronedig o bensiwn.

(6) Os collfernir P o drosedd berthnasol a diddymir y gollfarn yn ddiweddarach yn dilyn apêl, mae unrhyw benderfyniad o dan baragraff (2) i'w drin fel pe bai wedi ei ddirymu a rhaid i'r rheolwr cynllun, cyn gynted ag y bo'n rhesymol ymarferol ar ôl diddymu'r gollfarn, dalu'r ôl-ddyled gronedig o bensiwn o'r diwrnod ar ôl y diwrnod y bu farw'r aelod.

(7) Ni chaiff dim sydd ym mharagraffau (5) neu (6) effeithio ar gymhwyso paragraffau (1) neu (2) os yw'r person y diddymwyd ei gollfarn yn cael ei gollfarnu yn ddiweddarach o lofruddiaeth yr aelod, neu o drosedd berthnasol.

(8) Yn y rheoliad hwn, ystyr "trosedd berthnasol" ("*relevant offence*") yw—

(a) dynladdiad yr aelod; neu

(b) unrhyw drosedd arall, ac eithrio llofruddiaeth, y mae lladd yr aelod yn anghyfreithlon yn elfen ynddi.

Fforffedu cyfandaliad budd marwolaeth: troseddau a gyflawnir gan bersonau eraill

183.—(1) Os collfernir person o drosedd berthnasol, rhaid i'r rheolwr cynllun gadw'n ôl y cyfan o unrhyw gyfandaliad budd marwolaeth sy'n daladwy i'r person hwnnw mewn cysylltiad ag aelod o dan Bennod 4 o Ran 6 (buddion marwolaeth).

(2) yn y rheoliad hwn, ystyr "trosedd berthnasol" ("*relevant offence*") yw—

(a) llofruddiaeth yr aelod;

(b) dynladdiad yr aelod; neu

(c) unrhyw drosedd arall y mae lladd yr aelod yn anghyfreithlon yn elfen ynddi.

(3) Os yw paragraff (1) yn gymwys a'r rheolwr cynllun yn cadw'n ôl yr holl fuddion, mae Rhan 6 (buddion marwolaeth) yn gymwys fel pe buasai'r person hwnnw farw cyn yr aelod.

(3) If paragraph (1) applies, Part 6 (death benefits) applies as if P had died before the member.

(4) Under paragraph (2) the scheme manager may only withhold such part of P's pension as exceeds any guaranteed minimum to which P is entitled under section 17 of PSA 1993(**1**).

(5) If P is convicted of the murder of a member and the conviction is subsequently quashed on appeal, any surviving partner's or eligible child's pension withheld is to be payable from the day after that on which the member died, and the scheme manager must, as soon as reasonably practicable after the conviction is quashed, pay the arrears of the pension accrued.

(6) If P is convicted of a relevant offence and the conviction is subsequently quashed on appeal, any decision under paragraph (2) is to be treated as revoked and the scheme manager must, as soon as reasonably practicable after the conviction is quashed, pay the arrears of the pension accrued from the day after that on which the member died.

(7) Nothing in paragraphs (5) or (6) is to affect the application of paragraphs (1) or (2) if the person whose conviction is quashed is subsequently convicted of the murder of the member or of a relevant offence.

(8) In this regulation, "relevant offence" ("*trosedd berthnasol*") means—

(a) the manslaughter of the member; or

(b) any other offence, apart from murder, of which the unlawful killing of the member is an element.

Forfeiture of lump sum death benefit: offences committed by other persons

183.—(1) If a person is convicted of a relevant offence, the scheme manager must withhold all of any lump sum death benefit payable to that person in respect of a member under Chapter 4 of Part 6 (death benefits).

(2) In this regulation, "relevant offence" ("*trosedd berthnasol*") means—

(a) the murder of the member;

(b) the manslaughter of the member; or

(c) any other offence of which the unlawful killing of the member is an element.

(3) If paragraph (1) applies and the scheme manager withholds all benefits, Part 6 (death benefits) applies as if that person had died before the member.

(**1**) Deddf Cynlluniau Pensiwn 1993 (p. 48).

(**1**) Pension Schemes Act 1993 (c. 48).

(4) Os collfernir person o drosedd berthnasol a diddymir y gollfarn yn ddiweddarach yn dilyn apêl, caiff y rheolwr cynllun, i'r cyfryw raddau ac am y cyfryw gyfnod yr ystyria'n briodol, adfer i'r person hwnnw gymaint o unrhyw fudd ag a gadwyd yn ôl o dan y rheoliad hwn.

(5) Ni chaiff dim sydd ym mharagraff (4) effeithio ar gymhwyso paragraff (1) os yw'r person y diddymwyd ei gollfarn yn cael ei gollfarnu yn ddiweddarach o drosedd berthnasol.

Fforffedu: rhwymedigaethau ariannol perthnasol a cholledion ariannol perthnasol

184.—(1) Os oes gan aelod (P) rwymedigaeth ariannol berthnasol neu os yw wedi achosi colled ariannol berthnasol, caiff y rheolwr cynllun, i'r cyfryw raddau ac am y cyfryw gyfnod yr ystyria'n briodol, gadw'n ôl buddion sy'n daladwy i P o dan y cynllun hwn.

(2) Caiff y rheolwr cynllun gadw'n ôl fuddion i'r graddau yr ystyria'r rheolwr cynllun yn briodol, ond ni chaiff gadw'n ôl ddim mwy na'r rhan honno o bensiwn P sydd dros ben unrhyw leiafswm gwarantedig y mae hawl gan P i'w gael o dan adran 14 o DCauP 1993.

(3) Ni chaiff y rheolwr cynllun gadw'n ôl ddim mwy na'r lleiaf o'r canlynol—

(a) swm y rhwymedigaeth ariannol berthnasol neu'r golled ariannol berthnasol; a

(b) gwerth hawlogaeth P i gael buddion.

(4) Ni chaiff y rheolwr cynllun gadw buddion yn ôl ac eithrio—

(a) os oes anghytundeb ynglŷn â swm y rhwymedigaeth ariannol berthnasol neu'r golled ariannol berthnasol; neu

(b) os yw'r rhwymedigaeth ariannol berthnasol neu'r golled ariannol berthnasol yn orfodadwy fel a ganlyn—

(i) o dan orchymyn gan lys cymwys, neu

(ii) o ganlyniad i ddyfarniad gan gymrodeddwr.

(5) Yn y rheoliad hwn—

ystyr "colled ariannol berthnasol" ("*relevant monetary loss*") yw colled ariannol—

(a) a achoswyd i'r cynllun hwn, a

(b) a oedd yn tarddu o weithred neu anwaith droseddol, esgeulus neu dwyllodrus gan P; ac

ystyr "rhwymedigaeth ariannol berthnasol" ("*relevant monetary obligation*") yw rhwymedigaeth ariannol—

(a) a achoswyd i gyflogwr P,

(4) If a person is convicted of a relevant offence and the conviction is subsequently quashed on appeal, the scheme manager may, to such extent and for such duration as it thinks fit, restore to that person so much of any benefit as has been withheld under this regulation.

(5) Nothing in paragraph (4) is to affect the application of paragraph (1) if the person whose conviction is quashed is subsequently convicted of a relevant offence.

Forfeiture: relevant monetary obligations and relevant monetary losses

184.—(1) If a member (P) has a relevant monetary obligation or has caused a relevant monetary loss the scheme manager may, to such extent and for such duration as it considers appropriate, withhold benefits payable to P under this scheme.

(2) The scheme manager may withhold benefits to the extent the scheme manager considers appropriate but may only withhold that part of P's pension as exceeds any guaranteed minimum to which P is entitled under section 14 of PSA 1993.

(3) The scheme manager may not withhold more than the lesser of—

(a) the amount of the relevant monetary obligation or relevant monetary loss; and

(b) the value of P's entitlement to benefits.

(4) The scheme manager may only withhold benefits if—

(a) there is no dispute as to the amount of the relevant monetary obligation or relevant monetary loss; or

(b) the relevant monetary obligation or relevant monetary loss is enforceable as follows—

(i) under an order of a competent court, or

(ii) in consequence of an award of an arbitrator.

(5) In this regulation—

"relevant monetary loss" ("*colled ariannol berthnasol*") means a monetary loss which—

(a) was caused to this scheme, and

(b) arose out of P's criminal, negligent or fraudulent act or omission; and

"relevant monetary obligation" ("*rhwymedigaeth ariannol berthnasol*") means a monetary obligation which—

(a) was incurred to P's employer,

(b) a achoswyd wedi i P ddod yn aelod actif o'r cynllun hwn,

(c) a oedd yn tarddu o weithred neu anwaith droseddol, esgeulus neu dwyllodrus gan P, a

(d) a oedd yn tarddu o, neu'n gysylltiedig â gwasanaeth yn y gyflogaeth gynllun y mae P yn aelod o'r cynllun hwn mewn cysylltiad â hi.

Gwrthgyfrif

185.—(1) Caiff y rheolwr cynllun wrthgyfrif rhwymedigaeth ariannol berthnasol yn erbyn hawlogaeth aelod i gael buddion o dan y cynllun hwn.

(2) Yn y rheoliad hwn, ystyr "rhwymedigaeth ariannol berthnasol" ("*relevant monetary obligation*") yw rhwymedigaeth ariannol sy'n ddyledus gan aelod (P) ac sy'n bodloni'r amodau ym mharagraffau (3), (4) neu (5).

(3) Yr amodau yn y paragraff hwn yw fod y rhwymedigaeth ariannol—

(a) wedi ei hachosi i gyflogwr P;

(b) wedi ei hachosi ar ôl i P ddod yn aelod actif o'r cynllun hwn;

(c) yn tarddu o, neu'n gysylltiedig â'r gyflogaeth gynllun y mae P yn aelod o'r cynllun hwn mewn cysylltiad â hi; a

(d) yn tarddu o weithred neu anwaith droseddol, esgeulus neu dwyllodrus gan P.

(4) Yr amodau yn y paragraff hwn yw fod y rhwymedigaeth ariannol—

(a) wedi ei hachosi i'r cynllun hwn; a

(b) yn tarddu o weithred neu anwaith droseddol, esgeulus neu dwyllodrus gan P.

(5) Yr amodau yn y paragraff hwn yw fod y rhwymedigaeth ariannol—

(a) wedi ei hachosi i'r cynllun hwn; a

(b) yn tarddu o daliad a wnaed i P mewn camgymeriad gan y rheolwr cynllun.

(6) Mae paragraff (7) yn gymwys os bwriedir gweithredu gwrthgyfrif o ganlyniad i rwymedigaeth ariannol berthnasol sy'n ddyledus gan P ac yn bodloni'r amodau ym mharagraff (3).

(7) Pan fo'r paragraff hwn yn gymwys, ni chaiff y rheolwr cynllun wrthgyfrif yn erbyn y rhan honno o hawlogaeth P i gael buddion sy'n cynrychioli credydau trosglwyddo, yn yr ystyr a roddir i "transfer credits" yn adran 124(1) (dehongli Rhan 1) o Ddeddf Pensiynau 1995(**1**), ac eithrio credydau trosglwyddo rhagnodedig

(**1**) Diwygiwyd adran 124(1) gan Ddeddf Diwygio Lles a Phensiynau 1999 (p. 30), Atodlen 12, paragraffau 43 a 61; gan Ddeddf Cymorth Plant, Pensiynau a Nawdd Cymdeithasol 2000 (p. 19), Atodlen 5, paragraff 8; gan Ddeddf Pensiynau 2004 (p. 35), adran 7(2), Atodlen 12, paragraffau 34, 43 a 69 ac Atodlen 13, Rhan 1; a chan O.S. 2005/2053, 2006/745 a 2014/560.

(b) was incurred after P became an active member of this scheme,

(c) arose out of P's criminal, negligent or fraudulent act or omission, and

(d) arose out of or was connected with service in the scheme employment in respect of which P is a member of this scheme.

Set-off

185.—(1) The scheme manager may set off a relevant monetary obligation against a member's entitlement to benefits under this scheme.

(2) In this regulation, a "relevant monetary obligation" ("*rhwymedigaeth ariannol berthnasol*") is a monetary obligation owed by a member (P), which satisfies the conditions in paragraphs (3), (4) or (5).

(3) The conditions in this paragraph are that the monetary obligation—

(a) was incurred to P's employer;

(b) was incurred after P became an active member of this scheme;

(c) arose out of or was connected with service in the scheme employment in respect of which P is a member of this scheme; and

(d) arose out of P's criminal, negligent or fraudulent act or omission.

(4) The conditions in this paragraph are that the monetary obligation—

(a) was incurred to this scheme; and

(b) arose out of P's criminal, negligent or fraudulent act or omission.

(5) The conditions in this paragraph are that the monetary obligation—

(a) was incurred to this scheme; and

(b) arose out of a payment made to P in error by the scheme manager.

(6) Paragraph (7) applies if a set-off is to be applied as result of P owing a relevant monetary obligation which satisfies the conditions in paragraph (3).

(7) Where this paragraph applies, the scheme manager may not apply a set-off against that part of P's entitlement to benefits that represents transfer credits within the meaning of section 124(1) (interpretation of Part 1) of the Pensions Act 1995(**1**)

(**1**) Section 124(1) was amended by the Welfare Reform and Pensions Act 1999 (c. 30), Schedule 12, paragraphs 43 and 61, the Child Support, Pensions and Social Security Act 2000 (c. 19), Schedule 5, paragraph 8, the Pensions Act 2004 (c. 35), section 7(2), Schedule 12, paragraphs 34, 43 and 69 and Schedule 13, Part 1 and S.I. 2005/2053, 2006/745 and 2014/560.

at ddibenion adran 91(5)(d) (eithrio o anaralladwyedd pensiynau galwedigaethol) o'r Ddeddf honno(**1**).

(8) Ni chaiff y rheolwr cynllun weithredu gwrth gyfrif ac eithrio yn erbyn y rhan honno o bensiwn aelod sydd dros ben unrhyw leiafswm gwarantedig y mae hawl gan yr aelod hwnnw i'w gael o dan adran 14 o DCauP 1993.

(9) Ni chaiff gwerth y gwrthgyfrif a weithredir fod yn fwy na'r lleiaf o'r canlynol—

(a) swm y rhwymedigaeth ariannol berthnasol; a

(b) gwerth hawlogaeth P i gael buddion.

(10) Ni chaiff y rheolwr cynllun wrthgyfrif rhwymedigaeth ariannol berthnasol yn erbyn hawlogaeth P i gael buddion ac eithrio—

(a) pan nad oes anghytundeb ynglŷn â swm y rhwymedigaeth ariannol berthnasol; neu

(b) pan fo'r rhwymedigaeth ariannol berthnasol yn orfodadwy fel a ganlyn—

(i) o dan orchymyn llys cymwys, neu

(ii) o ganlyniad i ddyfarniad gan gymrodeddwr.

Fforffedu a gwrthgyfrif: gweithdrefn

186.—(1) Os yw'r rheolwr cynllun yn bwriadu cadw buddion yn ôl neu weithredu gwrthgyfrif yn erbyn hawlogaeth person i gael buddion, rhaid i'r rheolwr cynllun hysbysu'r person o'i fwriad mewn ysgrifen.

(2) Os yw'r rheolwr cynllun yn cadw buddion yn ôl o dan reoliad 184 (fforffedu: rhwymedigaethau ariannol perthnasol a cholledion ariannol perthnasol) neu'n gweithredu gwrthgyfrif yn erbyn hawlogaeth i gael buddion o dan reoliad 185 (gwrthgyfrif), rhaid i'r rheolwr cynllun roi i'r aelod dystysgrif sy'n dangos—

(a) y swm a gedwir yn ôl neu a wrthgyfrifir; a

(b) effaith y cadw'n ôl neu'r gwrthgyfrif ar fuddion yr aelod, partner sy'n goroesi neu blentyn cymwys o dan y cynllun hwn.

other than prescribed transfer credits for the purposes of section 91(5)(d) (exceptions from the inalienability of occupational pensions) of that Act (**1**).

(8) The scheme manager may only apply a set-off against that part of a member's pension that exceeds any guaranteed minimum to which that member is entitled under section 14 of PSA 1993.

(9) The value of the set-off applied must not exceed the lesser of—

(a) the amount of the relevant monetary obligation; and

(b) the value of P's entitlement to benefits.

(10) The scheme manager may only set off a relevant monetary obligation against P's entitlement to benefits if—

(a) there is no dispute as to the amount of the relevant monetary obligation; or

(b) the relevant monetary obligation is enforceable—

(i) under an order of a competent court, or

(ii) in consequence of an award of an arbitrator.

Forfeiture and set-off: procedure

186.—(1) If the scheme manager proposes to withhold benefits or apply a set-off against a person's entitlement to benefits, the scheme manager must notify the person of the proposal in writing.

(2) If the scheme manager withholds benefits under regulation 184 (forfeiture: relevant monetary obligations and relevant monetary losses) or applies a set-off against an entitlement to benefits under regulation 185 (set-off), the scheme manager must give the member a certificate showing—

(a) the amount withheld or set off; and

(b) the effect of the withholding or set-off on the member's, surviving partner's or eligible child's benefits under this scheme.

(**1**) Diwygiwyd adran 91(5)(d) gan Ddeddf Diwygio Lles a Phensiynau 1999 (p. 30), Atodlen 12, paragraffau 43 a 57. Gweler O.S. 1997/785 sy'n rhagnodi'r credydau trosglwyddo.

(**1**) Section 91(5)(d) was amended by the Welfare Reform and Pensions Act 1999 (c. 30), Schedule 12, paragraphs 43 and 57. See S.I. 1997/785 which prescribes the transfer credits.

PENNOD 3

Talu a didynnu treth

Gweinyddwr cynllun at ddibenion Deddf Cyllid 2004

187. Penodir y rheolwr cynllun i fod yn gyfrifol am yr holl rwymedigaethau a chyfrifoldebau sy'n gysylltiedig â'r swyddogaethau a roddir i, neu a osodir ar, y gweinyddwr cynllun gan neu o dan Ran 4 o DC 2004, ac yr ymgymerir â hwy gan y rheolwr cynllun fel gweinyddwr is-gynllun o dan reoliad 3 o Reoliadau Cynlluniau Pensiwn Cofrestredig (Hollti Cynlluniau) 2006 ac Atodlen 3 i'r Rheoliadau hynny(**1**).

Talu'r tâl lwfans oes ar ran aelodau

188.—(1) Caiff aelod ofyn i weinyddwr y cynllun dalu, ar ran yr aelod, unrhyw swm sy'n daladwy fel tâl lwfans oes o dan adran 214 o DC 2004 pan fo—

(a) digwyddiad sy'n ddigwyddiad crisialu budd a restrir yn y tabl yn adran 216(1) o DC 2004 yn digwydd mewn perthynas â'r aelod; a

(b) yr aelod a'r rheolwr cynllun yn atebol ar y cyd ac yn unigol mewn perthynas â'r digwyddiad hwnnw.

(2) Ni chaniateir gwneud cais o'r fath ac eithrio drwy hysbysiad i'r gweinyddwr cynllun ymlaen llaw cyn y digwyddiad.

(3) Ni chaiff y rheolwr cynllun gydymffurfio â chais o'r fath onid yw'r aelod—

(a) yn talu'r swm sydd dan sylw iddo ar neu cyn dyddiad y digwyddiad; neu

(b) yn awdurdodi didynnu'r swm sydd dan sylw allan o gyfandaliad sy'n dod yn daladwy i'r aelod o dan y cynllun hwn yr un pryd â'r digwyddiad.

Lleihau buddion pan fo tâl lwfans oes yn daladwy

189.—(1) Mae'r rheoliad hwn yn gymwys—

(a) os yw'r digwyddiad sy'n ddigwyddiad crisialu budd a restrir yn y tabl yn adran 216(1) o DC 2004 ("y tabl") yn digwydd mewn perthynas ag aelod(**2**);

(**1**) O.S. 2006/569; diwygiwyd gan O.S. 2013/1114.

(**2**) Diwygiwyd adran 216(1) gan Ddeddf Cyllid 2005 (p. 7), Atodlen 10, paragraffau 31 a 42; Deddf Cyllid 2006 (p. 25), Atodlen 23, paragraff 30; Deddf Cyllid 2008 (p. 9), Atodlen 29, paragraffau 1(3) a 5; a Deddf Cyllid 2011 (p. 11), Atodlen 16, paragraffau 43 a 73(2).

CHAPTER 3

Payment and deduction of tax

Scheme administrator for the purposes of the Finance Act 2004

187. The scheme manager is appointed to be responsible for all liabilities and responsibilities connected with the functions conferred or imposed on the scheme administrator by or under Part 4 of FA 2004 which the scheme manager assumes as sub-scheme administrator under regulation 3 of, and Schedule 3 to, the Registered Pension Schemes (Splitting of Schemes) Regulations 2006(**1**).

Payment on behalf of members of lifetime allowance charge

188.—(1) A member may request the scheme administrator to pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214 of FA 2004 when—

(a) an event that is a benefit crystallisation event listed in the table in section 216(1) of FA 2004 occurs in relation to the member; and

(b) the member and the scheme manager are jointly and severally liable in relation to that event.

(2) Such a request may only be made by notice to the scheme administrator given before the event occurs.

(3) The scheme manager may only comply with such a request if the member—

(a) pays to it the amount in question on or before the date on which the event occurs; or

(b) authorises the deduction of the amount in question from a lump sum becoming payable to the member under this scheme at the same time as the event occurs.

Reduction of benefits where lifetime allowance charge payable

189.—(1) This regulation applies if—

(a) an event that is a benefit crystallisation event listed in the table in section 216(1) of FA 2004 ("the table") occurs in relation to a member(**2**);

(**1**) S.I. 2006/569; amended by S.I. 2013/1114.

(**2**) Section 216(1) was amended by the Finance Act 2005 (c. 7), Schedule 10, paragraphs 31 and 42; the Finance Act 2006 (c. 25), Schedule 23, paragraph 30; the Finance Act 2008 (c. 9), Schedule 29, paragraphs 1(3) and 5; and the Finance Act 2011 (c. 11), Schedule 16, paragraphs 43 and 73(2).

(b) os yw'r aelod a'r rheolwr cynllun yn atebol ar y cyd ac yn unigol mewn perthynas â'r digwyddiad hwnnw; ac

(c) os na wnaed cais yn briodol o dan reoliad 188 (talu'r tâl lwfans oes ar ran aelodau) mewn perthynas â'r digwyddiad neu, os gwnaed cais o'r fath, rhwystrwyd y rheolwr cynllun rhag cydymffurfio â'r cais hwnnw gan baragraff (3) o'r rheoliad hwnnw.

(2) Os yw'r rheoliad hwn yn gymwys—

(a) rhaid i'r rheolwr cynllun dalu'r dreth sy'n daladwy ar y digwyddiad;

(b) os y digwyddiad yw digwyddiad crisialu budd rhif 8 yn y tabl (trosglwyddo i gynllun pensiwn tramor cydnabyddedig cymwys), rhaid lleihau swm neu werth y symiau neu asedau a drosglwyddir; ac

(c) yn achos unrhyw ddigwyddiad arall yn y tabl hwnnw, rhaid lleihau swm neu werth y buddion sy'n daladwy i'r aelod neu mewn cysylltiad â'r aelod.

(3) Rhaid i swm neu werth y lleihad—

(a) adlewyrchu swm cyflawn y dreth a dalwyd felly; a

(b) yn achos unrhyw ostyngiad mewn buddion pensiwn, cael ei gyfrifo yn unol â chanllawiau actiwaraidd.

Gwybodaeth ynghylch talu'r tâl lwfans blynyddol

190.—(1) Os yw swm mewnbwn cynllun pensiwn aelod ar gyfer y cynllun hwn am gyfnod mewnbwn pensiwn yn fwy na swm y lwfans blynyddol ar gyfer y flwyddyn dreth y mae'r cyfnod mewnbwn pensiwn hwnnw yn diweddu ynddi, mae paragraff (2) yn gymwys mewn cysylltiad â'r aelod ar gyfer y flwyddyn dreth honno.

(2) Rhaid i'r rheolwr cynllun, ddim hwyrach na 6 Hydref ar ôl diwedd y flwyddyn dreth, ddarparu i'r aelod y cyfryw wybodaeth a ystyrir yn briodol gan y rheolwr cynllun i gynorthwyo'r aelod i drefnu taliad o'r tâl lwfans blynyddol am y flwyddyn dreth honno, ynghyd â'r wybodaeth sy'n ofynnol gan reoliad 14A o Reoliadau Cynlluniau Pensiwn (Darparu Gwybodaeth) 2006(**1**).

(3) Yn y rheoliad hwn—

(**1**) O.S. 2006/567; mewnosodwyd rheoliad 14A gan reoliadau 2 ac 8 o O.S. 2011/1797. Fe'i diwygiwyd gan Ddeddf Trethu Pensiynau 2014 (p. 30), adran 1 ac Atodlen 1, paragraff 88.

(b) the member and the scheme manager are jointly and severally liable in relation to that event; and

(c) no request has been duly made under regulation 188 (payment on behalf of members of lifetime allowance charge) in relation to the event or, if such a request has been made, the scheme manager is prevented from complying with it by paragraph (3) of that regulation.

(2) If this regulation applies—

(a) the scheme manager must pay the tax payable on the event;

(b) if the event is benefit crystallisation event 8 in the table (transfer to qualifying recognised overseas pension scheme), the amount or value of the sums or assets transferred must be reduced; and

(c) in the case of any other event in that table, the amount or value of the benefits payable to or in respect of the member must be reduced.

(3) The amount or value of the reduction—

(a) must be such that it fully reflects the amount of tax so paid; and

(b) in the case of any reduction to pension benefits, must be calculated according to actuarial guidance.

Information about payment of annual allowance charge

190.—(1) If a member's pension scheme input amount for this scheme for a pension input period exceeds the amount of the annual allowance for the tax year in which the pension input period ends, paragraph (2) applies in respect of the member for that tax year.

(2) The scheme manager must, no later than 6 October after the end of the tax year, provide the member with such information as the scheme manager considers appropriate to assist the member to arrange payment of the annual allowance charge for that tax year and with the information required by regulation 14A of the Registered Pension Schemes (Provision of Information) Regulations 2006(**1**).

(3) In this regulation—

(**1**) S.I. 2006/567; regulation 14A was inserted by regulations 2 and 8 of S.I. 2011/1797. It was amended by the Taxation of Pensions Act 2014 (c. 30), section 1 and Schedule 1, paragraph 88.

mae i "cyfnod mewnbwn pensiwn" ("*pension input period*") yr ystyr a roddir yn adran 238 (cyfnod mewnbwn pensiwn) o DC 2004(**1**);

mae i "swm mewnbwn cynllun pensiwn" ("*pension scheme input amount*") yr ystyr a roddir yn adran 237B(2) (atebolrwydd gweinyddwr cynllun) o DC 2004(**2**).

Lleihau buddion pan fo tâl lwfans blynyddol wedi ei dalu gan reolwr cynllun

191.—(1) Mae'r rheoliad hwn yn gymwys pan fo—

(a) aelod wedi rhoi hysbysiad dilys i'r rheolwr cynllun o'u hatebolrwydd ar y cyd ac yn unigol am dâl lwfans blynyddol o dan adran 237B(3) o DC 2004; a

(b) y rheolwr cynllun yn bodloni'r atebolrwydd a bennir yn yr hysbysiad.

(2) Rhaid i reolwr cynllun leihau swm neu werth y buddion sy'n daladwy i'r aelod, neu mewn cysylltiad â'r aelod, ar gyfer y flwyddyn dreth y mae'r hysbysiad yn ymwneud â hi, yn unol â pharagraff (3).

(3) Yn ddarostyngedig i baragraff (4), rhaid i swm neu werth y gostyngiad mewn buddion—

(a) adlewyrchu'r swm cyflawn a dalwyd gan y rheolwr cynllun; a

(b) cael ei benderfynu yn unol â chanllawiau actiwaraidd.

(4) Ni chaniateir lleihau buddion o dan y rheoliad hwn ac eithrio i'r graddau na fyddai'r lleihad yn peri colli unrhyw ran o leiafswm pensiwn gwarantedig y mae hawl gan y person i'w gael.

PENNOD 4

Cyffredinol

Cyfrifo cyfnodau o aelodaeth a gwasanaeth

192.—(1) Yn ddarostyngedig i baragraff (3), at ddibenion y cynllun hwn rhaid mynegi cyfnodau o aelodaeth a gwasanaeth yn gyntaf oll mewn blynyddoedd cyfan a diwrnodau neu ffracsiynau o ddiwrnod, a rhaid cydgrynhoi'r cyfnodau ar y dechrau y mae'n ofynnol eu cydgrynhoi drwy gyfeirio at gyfnodau a fynegir felly.

"pension input period" ("*cyfnod mewnbwn pensiwn*") has the meaning given in section 238 (pension input period) of FA 2004(**1**);

"pension scheme input amount" ("*swm mewnbwn cynllun pensiwn*") has the meaning given in section 237B(2) (liability of scheme administrator) of FA 2004(**2**).

Reduction of benefits where annual allowance charge paid by scheme manager

191.—(1) This regulation applies where—

(a) a member gives valid notice to the scheme manager of joint and several liability for an annual allowance charge under section 237B(3) of FA 2004; and

(b) the scheme manager satisfies the liability specified in the notice.

(2) The amount or value of the benefits payable to or in respect of the member for the tax year to which the notice relates must be reduced by the scheme manager in accordance with paragraph (3).

(3) Subject to paragraph (4), the amount or value of the reduction of benefits must be—

(a) such that it fully reflects the amount paid by the scheme manager; and

(b) determined in accordance with actuarial guidance.

(4) Benefits may only be reduced under this regulation to the extent that the reduction would not result in the loss of any part of a guaranteed minimum pension to which a person is entitled.

CHAPTER 4

General

Calculation of periods of membership and service

192.—(1) Subject to paragraph (3), for the purposes of this scheme, periods of membership and service must be expressed in the first instance in whole years, and days or fractions of a day, and the initial aggregation of periods that require to be aggregated is done by reference to periods so expressed.

(**1**) Diwygiwyd adran 238 gan ddeddf Cyllid 2011 (p. 11), Atodlen 17, paragraff 16.

(**2**) 2004 p. 12; mewnosodwyd adran 237B gan Ddeddf Cyllid 2011 (p. 11), Atodlen 17, paragraff 15 ac fe'i diwygiwyd gan Ddeddf Cyllid 2013 (p. 29), Atodlen 46, paragraffau 119 a 129.

(**1**) Section 238 was amended by the Finance Act 2011 (c. 11), Schedule 17, paragraph 16.

(**2**) 2004 c. 12; section 237B was inserted by the Finance Act 2011 (c. 11), Schedule 17, paragraph 15 and was amended by the Finance Act 2013 (c. 29), Schedule 46, paragraphs 119 and 129.

(2) Yn ddarostyngedig i baragraff (3), ar ôl cydgrynhoi yr holl gyfnodau o aelodaeth neu o wasanaeth y mae'n ofynnol eu cydgrynhoi, os oes rhan o ddiwrnod dros ben y nifer o ddiwrnodau llawn, rhaid talgrynnu'r rhan dros ben honno i fyny, i wneud diwrnod llawn.

(3) Os cyfeirir at aelodaeth neu wasanaeth yn y Rheoliadau hyn fel aelodaeth neu wasanaeth mewn blynyddoedd, rhaid trosi'r canlynol yn flynyddoedd—

(a) y diwrnodau y cyfeirir atynt ym mharagraff (1), a

(b) y diwrnodau llawn y cyfeirir atynt ym mharagraff (2),

drwy rannu nifer y diwrnodau sydd dros ben y cyfnod o flynyddoedd llawn gyda 365, a defnyddio'r canlyniad i bedwar lle degol.

(4) Os yw cyfnod o aelodaeth neu wasanaeth yn llai nag un flwyddyn, mae'r rheoliad hwn yn gymwys fel pe bai'r geiriau "blynyddoedd cyfan a" wedi eu hepgor o baragraff (1) a'r geiriau "sydd dros ben y cyfnod o flynyddoedd llawn" wedi eu hepgor o baragraff (3).

Datganiadau blynyddol o wybodaeth am fuddion

193.—(1) Rhaid i'r rheolwr cynllun ddarparu datganiad blynyddol o wybodaeth am fuddion i bob un o'i aelodau nad ydynt yn aelod-bensiynwyr, mewn cysylltiad â'r cyfrif pensiwn y darperir y datganiad ar ei gyfer.

(2) Rhaid darparu'r datganiadau cyntaf o'r fath ar neu cyn 31 Awst 2016.

(3) Yn ddarostyngedig i baragraff (4), rhaid darparu datganiadau dilynol o leiaf unwaith y flwyddyn ar neu cyn 31 Awst ym mhob blwyddyn ddilynol.

(4) Os digwydd i aelod wneud cais mewn ysgrifen am ddarparu datganiad iddo ar ôl diwedd blwyddyn gynllun, ond cyn 31 Awst yn y flwyddyn gynllun ddilynol, rhaid i'r rheolwr cynllun ddarparu datganiad blynyddol o wybodaeth am fuddion yn unol â chais yr aelod cyn gynted ag y bo'n rhesymol ymarferol, ac eithrio pan nad yw'r data perthnasol ar gael i'w alluogi i wneud hynny.

(5) Rhaid i'r datganiad a ddarperir i aelodau actif o'r cynllun hwn fod yn unol ag adran 14 o Ddeddf 2013 (gwybodaeth am fuddion).

Tystiolaeth o hawlogaeth

194.—(1) Caiff rheolwr cynllun, drwy hysbysiad ysgrifenedig, ei gwneud yn ofynnol bod unrhyw berson sy'n cael pensiwn, neu a allai fod â hawlogaeth i gael pensiwn neu gyfandaliad o dan y cynllun hwn, yn darparu pa bynnag dystiolaeth ategol y gofynnir amdani'n rhesymol gan y rheolwr cynllun er mwyn cadarnhau—

(2) Subject to paragraph (3), if, when all periods of membership or service that require to be aggregated have been aggregated, there is any excess part day over the number of whole days, that excess must be rounded up to a full day.

(3) If membership or service is referred to in these Regulations as membership or service in years—

(a) the days referred to in paragraph (1), and

(b) the full days referred to in paragraph (2),

must be converted into years by dividing the number of days in excess of the period of whole years by 365, and using the result to four decimal places.

(4) If a period of membership or service is less than one year, this regulation applies as if the words "whole years, and" were omitted from paragraph (1) and the words "in excess of the period of whole years" were omitted from paragraph (3).

Annual benefit information statements

193.—(1) The scheme manager must provide an annual benefit information statement to each of its members who are not pensioner members in respect of the pension account for which the statement is to be provided.

(2) The first such statements must be provided on or before 31 August 2016.

(3) Subject to paragraph (4), subsequent statements must be provided at least once per year on or before 31 August of each year that follows.

(4) If a member requests in writing that a statement is provided to them after the end of a scheme year but before 31 August of the following scheme year, the scheme manager must provide an annual benefit information statement as soon as reasonably practicable in accordance with the member's request, unless the relevant data to enable it to do so is not available.

(5) The statement provided to active members of this scheme must be in accordance with section 14 of the 2013 Act (information about benefits).

Evidence of entitlement

194.—(1) A scheme manager may by written notice require any person who is in receipt of a pension or may have an entitlement to a pension or a lump sum under this scheme to provide it with such supporting evidence as it may reasonably require to establish—

(a) enw'r person hwnnw; a

(b) hawl y person hwnnw, sy'n parhau neu yn y dyfodol i gael taliad o unrhyw swm o dan y cynllun hwn.

(2) Rhaid i hysbysiad o dan baragraff (1) bennu erbyn pa ddyddiad y mae'n rhaid darparu'r wybodaeth.

(3) Pan fo person yn methu â chydymffurfio â gofynion hysbysiad a roddir yn unol â pharagraff (1), caiff y rheolwr cynllun gadw'n ôl y cyfan neu ran o unrhyw swm y byddai'r rheolwr cynllun, fel arall, yn ei ystyried yn daladwy o dan y cynllun hwn.

Gwybodaeth sydd i'w darparu i aelod cyn absenoldeb gwasanaeth lluoedd wrth gefn

195. Rhaid i'r rheolwr cynllun roi i aelod sydd ar fin cychwyn cyfnod o absenoldeb gwasanaeth lluoedd wrth gefn ddatganiad sy'n nodi—

(a) tâl pensiynadwy tybiedig yr aelod hwnnw tra bo ar absenoldeb gwasanaeth lluoedd wrth gefn;

(b) y gyfradd cyfraniadau aelod a fydd yn gymwys yn ystod y cyfnod hwnnw;

(c) manylion unrhyw daliadau sydd i'w talu gan y cyflogwr i'r aelod tra bo ar absenoldeb gwasanaeth lluoedd wrth gefn; a

(d) y cyfraniad cyflogwr a fydd yn gymwys yn ystod y cyfnod hwnnw.

Darpariaethau trosiannol

196. Mae Atodlen 2 yn cael effaith.

Dyletswydd i roi sylw i ganllawiau

197. Rhaid i reolwr cynllun roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru at ddibenion y Rhan hon.

(a) the identity of that person; and

(b) that person's continuing or future entitlement to the payment of any amount under this scheme.

(2) A notice under paragraph (1) must specify the date by which the supporting evidence is to be provided.

(3) Where a person fails to comply with the requirements of a notice given in accordance with paragraph (1), the scheme manager may withhold the whole or part of any amount that it otherwise considers to be payable under this scheme.

Information to be provided to a member before reserve forces service leave

195. The scheme manager must give a member who is about to start on a period of reserve forces service leave a statement stating—

(a) the assumed pensionable pay for that member whilst on reserve forces service leave;

(b) the member contribution rate to apply during that period;

(c) details of any payments to be paid by the employer to the member whilst on reserve forces service leave; and

(d) the employer contribution which applies during that period.

Transitional provisions

196. Schedule 2 has effect.

Duty to have regard to guidance

197. A scheme manager must have regard to any guidance issued by the Welsh Ministers for the purposes of this Part.

Leighton Andrews

Y Gweinidog Gwasanaethau Cyhoeddus, un o Weinidogion Cymru
9 Mawrth 2015

Minister for Public Services, one of the Welsh Ministers
9 March 2015

YR ATODLENNI

ATODLEN 1 Rheoliad 124

Taliadau ar gyfer pensiwn ychwanegol

RHAN 1

Dehongli

Dehongli

1. Yn yr Atodlen hon—

ystyr "cyfnod o wasanaeth" ("*period of service*") mewn perthynas â'r cynllun hwn, yw cyfnod didor o wasanaeth pensiynadwy o dan y cynllun hwn;

ystyr "cyfnod tâl priodol" ("*appropriate pay period*") yw'r cyfnod tâl a ystyrir yn briodol gan y rheolwr cynllun;

ystyr "cyfnod taliadau cyfnodol" ("*periodical payment period*") yw'r cyfnod y mae taliadau cyfnodol ar gyfer pensiwn ychwanegol yn daladwy ar ei gyfer;

ystyr "y diwrnod perthnasol" ("*the relevant day*") yw'r diwrnod pan fo'r rheolwr cynllun yn cael y cyfandaliad;

ystyr "y flwyddyn gynllun berthnasol" ("*the relevant scheme year*") yw'r flwyddyn gynllun y mae'r diwrnod perthnasol yn digwydd ynddi;

mae i "hysbysiad o ddewisiad" ("*notice of election*") yr ystyr a roddir ym mharagraff 5;

ystyr "swm o bensiwn ychwanegol" ("*amount of extra pension*") yw swm y pensiwn ychwanegol cronedig ar unrhyw adeg;

mae i "terfyn cyffredinol o bensiwn ychwanegol" ("*overall limit of extra pension*") yr ystyr a roddir ym mharagraff 2.

Ystyr "terfyn cyffredinol o bensiwn ychwanegol"

2.—(1) Y terfyn cyffredinol o bensiwn ychwanegol yw—

(a) £6,500 ar gyfer unrhyw flwyddyn gynllun sy'n dod i ben cyn 1 Ebrill 2016; a

(b) ar gyfer unrhyw flwyddyn gynllun sy'n cychwyn ar neu ar ôl 1 Ebrill 2016—

(i) y terfyn cyffredinol o bensiwn ychwanegol a benderfynir gan y Trysorlys mewn cysylltiad â'r flwyddyn gynllun honno fel y'i cyhoeddwyd cyn dechrau'r flwyddyn gynllun honno, neu

SCHEDULES

SCHEDULE 1 Regulation 124

Payments for added pension

PART 1

Interpretation

Interpretation

1. In this Schedule—

"amount of extra pension" ("*swm o bensiwn ychwanegol*") means the amount of accrued added pension at any time;

"appropriate pay period" ("*cyfnod tâl priodol*") means the pay period that the scheme manager considers appropriate;

"notice of election" ("*hysbysiad o ddewisiad*") has the meaning given in paragraph 5;

"overall limit of extra pension" ("*terfyn cyffredinol o bensiwn ychwanegol*") has the meaning given in paragraph 2;

"period of service" ("*cyfnod o wasanaeth*") in relation to this scheme, means a continuous period of pensionable service under this scheme;

"periodical payment period" ("*cyfnod taliadau cyfnodol*") means the period for which periodical payments for added pension payments are payable;

"the relevant day" ("*y diwrnod perthnasol*") means the day on which the lump sum is received by the scheme manager;

"the relevant scheme year" ("*y flwyddyn gynllun berthnasol*") means the scheme year in which the relevant day falls.

Meaning of "overall limit of extra pension"

2.—(1) The overall limit of extra pension is—

(a) £6,500 for any scheme year ending before 1 April 2016; and

(b) for any scheme year beginning on or after 1 April 2016—

(i) the overall limit of extra pension determined by the Treasury in respect of that scheme year as published before the start of that scheme year, or

(ii) os na wnaed penderfyniad o'r fath, y swm a gyfrifir o dan is-baragraff (2).

(2) Y swm yw'r swm y byddai'r gyfradd flynyddol o bensiwn sy'n hafal i'r terfyn cyffredinol o bensiwn ychwanegol ar gyfer y flwyddyn gynllun flaenorol wedi ei gynyddu o dan DPC 1971 pe bai—

(a) y pensiwn hwnnw yn gymwys i'w gynyddu felly; a

(b) diwrnod cyntaf y flwyddyn gynllun flaenorol yn ddyddiad cychwyn ar gyfer y pensiwn hwnnw.

Cyfyngiad ar ddewisiadau

3. Ni chaiff aelod actif arfer dewisiad pensiwn ychwanegol os byddai swm y pensiwn ychwanegol yn mynd dros ben y terfyn cyffredinol o bensiwn ychwanegol pe gwneid y dewisiad hwnnw.

Ni chaiff swm y pensiwn ychwanegol cronedig fod yn fwy na'r terfyn cyffredinol o bensiwn ychwanegol

4.—(1) Ar unrhyw un adeg, ni chaiff cyfanswm y pensiwn ychwanegol cronedig yng nghyfrif pensiwn ychwanegol aelod fod yn fwy na'r terfyn cyffredinol o bensiwn ychwanegol.

(2) Os gwnaed dewisiad gan yr aelod i wneud taliadau cyfnodol ar gyfer pensiwn ychwanegol, caiff y rheolwr cynllun, drwy roi hysbysiad ysgrifenedig i'r aelod, ddiddymu'r dewisiad hwnnw os yw'n ymddangos i'r rheolwr cynllun yr eir dros ben y terfyn cyffredinol o bensiwn ychwanegol os bydd yr aelod yn parhau i wneud y taliadau cyfnodol.

(3) Os yw'r rheolwr cynllun yn diddymu'r dewisiad, bydd y taliadau cyfnodol yn peidio â bod yn daladwy o'r cyfnod tâl nesaf sy'n dechrau ar ôl y dyddiad a bennir yn yr hysbysiad diddymu.

RHAN 2

PENNOD 1

Arfer y dewisiad pensiwn ychwanegol

Dewisiad pensiwn ychwanegol sy'n arferadwy gan yr aelod

5.—(1) Caiff aelod actif o'r cynllun hwn wneud dewisiad i wneud taliadau pensiwn ychwanegol i'r cynllun hwn er mwyn cynyddu buddion ymddeol a buddion marwolaeth yr aelod.

(2) Caiff aelod wneud y dewisiad pensiwn ychwanegol drwy roi hysbysiad i'r rheolwr cynllun ym mha bynnag ffurf sy'n ofynnol gan y rheolwr cynllun.

(ii) if no such determination is made, the amount calculated under sub-paragraph (2).

(2) The amount is the amount to which the annual rate of a pension of an amount equal to the overall limit of extra pension for the previous scheme year would have been increased under the PIA 1971 if—

(a) that pension were eligible to be so increased; and

(b) the beginning date for that pension were the first day of the previous scheme year.

Limit on elections

3. An added pension election may not be exercised by an active member if the amount of extra pension would exceed the overall limit of extra pension if that election were made.

Amount of accrued added pension may not exceed overall limit of extra pension

4.—(1) At any given time, the total amount of accrued added pension in a member's added pension account may not exceed the overall limit of extra pension.

(2) If a member has elected to make periodical payments for added pension, the scheme manager may by written notice to the member cancel the election if it appears to the scheme manager that the overall limit of extra pension will be exceeded if the member continues to make the periodical payments.

(3) If the scheme manager cancels the election, the periodical payments cease to be payable from the next pay period beginning after the date specified in the notice of cancellation.

PART 2

CHAPTER 1

Exercising the added pension election

Added pension election exercisable by member

5.—(1) An active member of this scheme may elect to make added pension payments to this scheme to increase the member's retirement benefits and death benefits.

(2) A member may make the added pension election by notice to the scheme manager in such form as the scheme manager may require.

(3) Yn yr Atodlen hon, cyfeirir at yr hysbysiad a roddir yn is-baragraff (2) fel yr hysbysiad o ddewisiad.

(4) Rhaid i'r hysbysiad o ddewisiad ddatgan—

(a) a yw'r taliadau pensiwn ychwanegol i gael eu gwneud drwy—

(i) taliadau cyfnodol, neu

(ii) cyfandaliad;

(b) a oes gan yr aelod gyfrif pensiwn ychwanegol ai peidio gyda chyflogwr arall; ac

(c) a yw'r aelod yn gwneud dewisiad pensiwn ychwanegol mewn cysylltiad â chyflogaeth gynllun arall, ai peidio.

(5) Ni chaniateir gwneud dewisiad i dalu taliadau pensiwn ychwanegol drwy gyfandaliad oni fydd yr aelod wedi rhoi hysbysiad i'r rheolwr cynllun ddim hwyrach na 12 mis ar ôl y dyddiad y daeth y person yn gyflogedig ddiwethaf gan y cyflogwr cynllun hwnnw fel diffoddwr tân.

(6) Ni chaniateir gwneud dewisiad i dalu taliadau pensiwn ychwanegol drwy daliadau cyfnodol oni wneir hynny ddwy flynedd o leiaf cyn i'r aelod gyrraedd oedran pensiwn arferol, ac ni chaniateir gwneud dewisiad o'r fath unwaith y bydd y rheolwr cynllun wedi cytuno y bydd yr aelod yn gadael y gyflogaeth gynllun gyda hawlogaeth i bensiwn neu ddyfarniad afiechyd.

PENNOD 2

Taliadau cyfnodol ar gyfer pensiwn ychwanegol

Cymhwyso'r Bennod

6. Mae'r Bennod hon yn gymwys mewn perthynas ag aelod actif o'r cynllun hwn sy'n gwneud dewisiad i wneud taliadau cyfnodol ar gyfer pensiwn ychwanegol.

Dewisiad aelod i wneud taliadau cyfnodol ar gyfer pensiwn ychwanegol

7.—(1) Rhaid i'r hysbysiad o ddewisiad bennu—

(a) y cyfnod taliadau cyfnodol; a

(b) swm y taliad cyfnodol sydd i'w ddidynnu gan gyflogwr yr aelod allan o dâl pensiynadwy yr aelod ym mhob cyfnod tâl.

(2) Caniateir mynegi swm y taliad cyfnodol fel—

(a) canran o dâl pensiynadwy yr aelod; neu

(b) swm sefydlog.

(3) Ni chaiff swm y taliad cyfnodol fod yn llai nag unrhyw leiafswm a benderfynir gan y rheolwr cynllun.

(3) The notice given in sub-paragraph (2) is referred to in this Schedule as the notice of election.

(4) The notice of election must state—

(a) whether added pension payments are to be made by—

(i) periodical payments, or

(ii) a lump sum payment;

(b) whether the member has an added pension account with another employer; and

(c) whether the member is making an added pension election in connection with another scheme employment.

(5) An election to pay added pension payments by a lump sum payment may only be made if the member gives notice to the scheme manager not later than 12 months after the date on which the person last became employed by that scheme employer as a firefighter.

(6) An election to pay added pension payments by periodical payments may only be made at least two years before the member's normal pension age and cannot be made once the scheme manager has agreed that the member will leave the scheme employment with entitlement to a pension or an ill-health award.

CHAPTER 2

Periodical payments for added pension

Application of Chapter

6. This Chapter applies in relation to an active member of this scheme who elects to make periodical payments for added pension.

Member's election to make periodical payments for added pension

7.—(1) The notice of election must specify—

(a) the periodical payment period; and

(b) the amount of the periodical payment to be deducted by the member's employer from the member's pensionable pay in each pay period.

(2) The amount of the periodical payment may be expressed as—

(a) a percentage of the member's pensionable pay; or

(b) a fixed sum.

(3) The amount of the periodical payment must not be less than any minimum amount determined by the scheme manager.

Taliadau cyfnodol

8.—(1) Caiff y taliadau cyfnodol fod yn daladwy drwy ddidynnu o dâl pensiynadwy yr aelod gan ei gyflogwr yn ystod y cyfnod taliadau cyfnodol.

(2) Mae'r cyfnod taliadau cyfnodol—

(a) yn cychwyn gyda'r cyfnod tâl priodol cyntaf sy'n cychwyn ar neu ar ôl y dyddiad pan fo'r rheolwr cynllun yn cael yr hysbysiad o ddewisiad; a

(b) yn diweddu ar y cynharaf o'r canlynol—

(i) dyddiad dechrau'r cyfnod tâl priodol nesaf os yw'r aelod yn rhoi'r hysbysiad terfynu o dan baragraff 9,

(ii) dyddiad dechrau'r cyfnod tâl nesaf ar ôl y dyddiad a bennir mewn hysbysiad diddymu a roddir gan y rheolwr cynllun o dan baragraff 4(2),

(iii) y dyddiad y mae'r aelod yn peidio â bod yn aelod actif, a

(iv) y dyddiad a bennwyd yn yr hysbysiad o ddewisiad.

(3) Os nad yw'r aelod yn dymuno i'r taliadau cyfnodol gael eu gwneud drwy ddidynnu o'r tâl pensiynadwy, caiff y rheolwr cynllun gytuno ar ddull arall o dalu.

Terfynu taliadau cyfnodol

9. Os yw'r aelod yn dymuno terfynu'r taliadau cyfnodol, rhaid i'r aelod roi hysbysiad ysgrifenedig i'r rheolwr cynllun.

Taliadau cyfnodol yn ystod cyfnodau o dâl pensiynadwy tybiedig

10.—(1) Mae'r taliadau cyfnodol yn daladwy drwy ddidynnu o dâl pensiynadwy yr aelod yn ystod y cyfnod taliadau cyfnodol, a thra bo'r aelod yn cael ei drin fel pe bai'n cael tâl pensiynadwy tybiedig, tâl gostyngedig neu ddim tâl, caiff yr aelod—

(a) atal y taliadau cyfnodol; neu

(b) parhau i wneud y taliadau cyfnodol fel pe bai'r aelod yn cael tâl pensiynadwy ar y gyfradd lawn.

(2) Yn ystod unrhyw gyfnod pan fo'r aelod yn cael tâl mamolaeth statudol neu ar absenoldeb mamolaeth arferol gyda thâl, absenoldeb mabwysiadu arferol gyda thâl neu absenoldeb tadolaeth gyda thâl, caiff yr aelod—

(a) atal y taliadau cyfnodol; neu

Periodical payments

8.—(1) The periodical payments may be payable by deduction by the member's employer from the member's pensionable pay during the periodical payment period.

(2) The periodical payment period—

(a) begins with the first appropriate pay period beginning on or after the date on which the scheme manager receives the notice of election; and

(b) ends on the earliest of the date—

(i) of the beginning of the next appropriate pay period if the member gives the notice of discontinuance under paragraph 9,

(ii) of the beginning of the next pay period after the date specified in a notice of cancellation given by the scheme manager under paragraph 4(2),

(iii) on which the member ceases to be an active member, and

(iv) specified in the notice of election.

(3) If the member does not want to pay the periodical payments by deduction from pensionable pay, the scheme manager may agree another method of payment.

Discontinuance of periodical payments

9. If a member wishes to discontinue the payment of periodical payments, the member must give written notice to the scheme manager.

Periodical payments during periods of assumed pensionable pay

10.—(1) The periodical payments are payable by deduction from the member's pensionable pay during the periodical payments period and whilst the member is treated as receiving assumed pensionable pay, reduced pay or no pay, the member may—

(a) stop the periodical payments; or

(b) continue the periodical payments as if the member were receiving pensionable pay at the full rate.

(2) During any period in which the member is receiving statutory maternity pay or is on paid ordinary maternity leave, paid ordinary adoption leave or paid paternity leave, the member may—

(a) stop the periodical payments; or

(b) talu taliadau cyfnodol o swm a benderfynir drwy gyfeirio at dâl gwirioneddol yr aelod yn ystod y cyfnod hwnnw.

(3) Os yw aelod yn atal y taliadau cyfnodol yn ystod cyfnod o dâl pensiynadwy tybiedig neu gyfnod o dâl gostyngedig, caiff yr aelod ddewis ailddechrau gwneud taliadau cyfnodol yn y cyfnod tâl nesaf, wedi i'r cyfnod o dâl pensiynadwy tybiedig neu gyfnod o dâl gostyngedig ddod i ben.

(4) Ar ôl cyfnod o dâl pensiynadwy tybiedig neu gyfnod o dâl gostyngedig, caiff yr aelod roi hysbysiad ysgrifenedig i'r rheolwr cynllun yn awdurdodi'r cyflogwr i ddidynnu'r taliadau cyfanredol y byddid wedi eu gwneud allan o dâl yr aelod yn ystod y cyfnod hwn, yn ystod y cyfnod o chwe mis o ddiwedd y cyfnod o dâl gostyngedig, neu pa bynnag gyfnod hwy a ganiateir gan y rheolwr cynllun.

(5) Rhaid rhoi hysbysiad o dan is-baragraff (4) i'r rheolwr cynllun ddim hwyrach nag un mis ar ôl diwedd y cyfnod o dâl pensiynadwy tybiedig neu dâl gostyngedig.

Swm y pensiwn ychwanegol ar gyfer blwyddyn gynllun

11.—(1) Mae'r paragraff hwn yn gymwys ar gyfer pob blwyddyn gynllun pa fo aelod yn gwneud taliadau cyfnodol er mwyn cynyddu buddion ymddeol yn ogystal â buddion marwolaeth yr aelod.

(2) Rhaid credydu swm o bensiwn ychwanegol i gyfrif pensiwn ychwanegol yr aelod ar gyfer y flwyddyn gynllun honno.

(3) Y swm a gredydir i'r cyfrif pensiwn ychwanegol yw'r swm a benderfynir gan y rheolwr cynllun drwy gyfeirio at ganllawiau actiwaraidd.

PENNOD 3

Cyfandaliadau ar gyfer pensiwn ychwanegol

Cymhwyso'r Bennod

12. Mae'r Bennod hon yn gymwys mewn perthynas ag aelod actif o'r cynllun a wnaeth ddewisiad i wneud cyfandaliad ar gyfer pensiwn ychwanegol.

Dewisiad aelod i wneud cyfandaliad ar gyfer pensiwn ychwanegol

13.—(1) Rhaid i'r hysbysiad o ddewisiad bennu swm y cyfandaliad, ac ni chaiff fod yn llai nag unrhyw leiafswm a benderfynir gan y rheolwr cynllun.

(2) Os na thelir y cyfandaliad o fewn tri mis ar ôl y dyddiad y rhoddwyd yr hysbysiad o ddewisiad, bydd yr hysbysiad o ddewisiad yn ddi-rym.

(b) pay the periodical payments of an amount determined by reference to the member's actual pay during that period.

(3) If a member stops the periodical payments during a period of assumed pensionable pay or a period of reduced pay, the member may choose to resume the periodical payments in the next pay period after the period of assumed pensionable pay or period of reduced pay ends.

(4) After a period of assumed pensionable pay or a period of reduced pay, the member may give written notice to the scheme manager authorising the employer to deduct the aggregate of payments which would have been made during this period from the member's pay during a period of six months from the end of the period of reduced pay or such longer period as the scheme manager may allow.

(5) Notice under sub-paragraph (4) must be given to the scheme manager not later than one month after the end of the period of assumed pensionable pay or reduced pay.

Amount of added pension for a scheme year

11.—(1) This paragraph applies for each scheme year during which a member makes periodical payments to increase both the member's retirement benefits and death benefits.

(2) An amount of added pension must be credited to the member's added pension account for that scheme year.

(3) The amount credited to the added pension account is an amount determined by the scheme manager by reference to actuarial guidance.

CHAPTER 3

Lump sum payments for added pension

Application of Chapter

12. This Chapter applies in relation to an active member of this scheme who has elected to make a lump sum payment for added pension.

Member's election to make a lump sum payment for added pension

13.—(1) The notice of election must specify the amount of lump sum which must not be less than any minimum amount determined by the scheme manager.

(2) If the lump sum is not paid within three months after the date on which the notice of election was given, then the notice of election is void.

Swm y pensiwn ychwanegol sydd i'w gredydu i gyfrif pensiwn ychwanegol

14.—(1) Mae'r paragraff hwn yn gymwys os yw aelod yn gwneud dewisiad i dalu cyfandaliad er mwyn cynyddu buddion ymddeol a buddion marwolaeth yr aelod.

(2) Ar ôl talu'r cyfandaliad gan yr aelod, rhaid credydu swm o bensiwn ychwanegol i'r cyfrif pensiwn ychwanegol ar gyfer y flwyddyn gynllun berthnasol.

(3) Y swm a gredydir i'r cyfrif pensiwn ychwanegol yw'r swm a benderfynir gan y rheolwr cynllun drwy gyfeirio at ganllawiau actiwaraidd.

Amount of added pension to be credited to added pension account

14.—(1) This paragraph applies if a member elects to pay a lump sum to increase the member's retirement benefits and death benefits.

(2) Following payment of the lump sum by the member, an amount of added pension must be credited to the added pension account for the relevant scheme year.

(3) The amount credited to the added pension account is an amount determined by the scheme manager by reference to actuarial guidance.

ATODLEN 2 Rheoliad 196

Darpariaethau trosiannol

SCHEDULE 2 Regulation 196

Transitional provisions

RHAN 1

Cyffredinol

PART 1

General

Dehongli

1. Yn yr Atodlen hon—

ystyr "aelod a ddiogelir" ("*protected member*"), mewn perthynas â chynllun presennol neu gynllun pensiwn corff cyhoeddus presennol, yw aelod diogelwch llawn neu aelod diogelwch taprog o un o'r cynlluniau hynny;

ystyr "aelod a ddiogelir yn llawn" ("*fully protected member*") o gynllun presennol neu o gynllun pensiwn corff cyhoeddus presennol yw person y mae eithriad yn gymwys mewn cysylltiad ag ef, sef eithriad y mae adran 18(6) o Ddeddf 2013(**1**) (neu'r adran honno fel y'i cymhwysir gan adran 31(4) o'r Ddeddf honno) yn gymwys iddo at ddibenion y cynllun hwnnw;

mae i "aelod actif o Gynllun 1992 neu o CPNDT" ("*active member of the 1992 Scheme or the NFPS*") yr ystyr a roddir ym mharagraff 5;

mae i "aelod actif o gynllun pensiwn corff cyhoeddus presennol" ("*active member of an existing public body pension scheme*") yr ystyr a roddir ym mharagraff 7;

mae i "aelod actif o gynllun presennol" ("*active member of an existing scheme*") yr ystyr a roddir ym mharagraff 6;

Interpretation

1. In this Schedule—

"active member of an existing public body pension scheme" ("*aelod actif o gynllun pensiwn corff cyhoeddus presennol*") has the meaning given in paragraph 7;

"active member of an existing scheme" ("*aelod actif o gynllun presennol*") has the meaning given in paragraph 6;

"active member of the 1992 Scheme or the NFPS" ("*aelod actif o Gynllun 1992 neu o CPNDT*") has the meaning given in paragraph 5;

"closing date" ("*dyddiad cau*")—

(a) in relation to an existing scheme, means the date referred to in section 18(4)(a) or (b) of the 2013 Act, as the case may be,

(b) in relation to an existing public body pension scheme, means the date determined under section 31(2) of the 2013 Act by the public authority responsible for that scheme, and

(c) in relation to a transition member, means—

(i) if the member is a tapered protection member of the 1992 Scheme or the NFPS, the tapered protection closing date for that member, or

(ii) if the member is not a protected member of one of those schemes, the scheme closing date;

(**1**) Diwygiwyd adran 18(6) gan adran 52(3) o Ddeddf Pensiynau 2014 (p. 19).

mae i "aelod diogelwch llawn" ("*full protection member*"), mewn perthynas â Chynllun 1992 neu CPNDT, yr ystyr a roddir ym mharagraff 9;

mae i "aelod diogelwch taprog" ("*tapered protection member*"), mewn perthynas â Chynllun 1992 neu CPNDT, yr ystyr a roddir ym mharagraff 15;

ystyr "aelod trosiannol" ("*transition member*") yw person—

(a) sy'n aelod o Gynllun 1992 neu CPNDT yn rhinwedd ei wasanaeth pensiynadwy o dan y cynllun hwnnw, neu sy'n gymwys i fod yn aelod actif o CPNDT, cyn y dyddiad trosiant, a

(b) sy'n aelod o'r cynllun hwn yn rhinwedd gwasanaeth pensiynadwy y person o dan y cynllun hwn;

mae i "cyfnod diogelwch" ("*protection period*")—

(a) yn achos aelod diogelwch llawn o Gynllun 1992 neu o CPNDT, yr ystyr a roddir ym mharagraff 10, a

(b) yn achos aelod diogelwch taprog o Gynllun 1992 neu o CPNDT, yr ystyr a roddir ym mharagraff 16;

mae i "cymwys i fod yn aelod actif o CPNDT" ("*eligible to be an active member of the NFPS*") yr ystyr a roddir ym mharagraff 4;

ystyr "cynllun pensiwn corff cyhoeddus presennol" ("*existing public body pension scheme*") yw cynllun pensiwn corff cyhoeddus y mae adran 31 o Ddeddf 2013 yn gymwys iddo;

ystyr "dyddiad cau" ("*closing date*")—

(a) mewn perthynas â chynllun presennol, yw'r dyddiad y cyfeirir ato yn adran 18(4)(a) neu (b) o Ddeddf 2013, yn ôl fel y digwydd,

(b) mewn perthynas â chynllun pensiwn corff cyhoeddus presennol, yw'r dyddiad a benderfynir o dan adran 31(2) o Ddeddf 2013 gan y corff cyhoeddus sy'n gyfrifol am y cynllun hwnnw, ac

(c) mewn perthynas ag aelod trosiannol, yw—

(i) os yw'r aelod yn aelod diogelwch taprog o Gynllun 1992 neu o CPNDT, y dyddiad cau diogelwch taprog ar gyfer yr aelod hwnnw, neu

(ii) os nad yw'r aelod yn aelod a ddiogelir o un o'r cynlluniau hynny, dyddiad cau'r cynllun;

mae i "dyddiad cau diogelwch taprog" ("*tapered protection closing date*"), mewn perthynas ag aelod diogelwch taprog o gynllun presennol, yr ystyr a roddir ym mharagraff 3;

"eligible to be an active member of the NFPS" ("*cymwys i fod yn aelod actif o CPNDT*") has the meaning given in paragraph 4;

"exception" ("*eithriad*") means—

(a) in relation to an existing scheme, an exception under section 18(5) of the 2013 Act provided for in the scheme regulations for that scheme,

(b) in relation to an existing public body pension scheme, an exception under section 31(4) of the 2013 Act provided for by the public authority responsible for that scheme;

"existing public body pension scheme" ("*cynllun pensiwn corff cyhoeddus presennol*") means a public body pension scheme to which section 31 of the 2013 Act applies;

"full protection member" ("*aelod diogelwch llawn*"), in relation to the 1992 Scheme or the NFPS, has the meaning given in paragraph 9;

"fully protected member" ("*aelod a ddiogelir yn llawn*") of an existing scheme or an existing public body pension scheme means a person in respect of whom an exception applies, which exception is one to which section 18(6) of the 2013 Act(**1**) (or that section as applied by section 31(4) of that Act) applies for the purposes of that scheme;

"protected member" ("*aelod a ddiogelir*"), in relation to an existing scheme or an existing public body pension scheme, means a full protection member or tapered protection member of one of those schemes;

"protection period" ("*cyfnod diogelwch*")—

(a) for a full protection member of the 1992 Scheme or the NFPS, has the meaning given in paragraph 10, and

(b) for a tapered protection member of the 1992 Scheme or the NFPS, has the meaning given in paragraph 16;

"scheme closing date" ("*dyddiad cau'r cynllun*") means 31 March 2015;

"tapered protection closing date" ("*dyddiad cau diogelwch taprog*"), in relation to a tapered protection member of an existing scheme, has the meaning given in paragraph 3;

"tapered protection member" ("*aelod diogelwch taprog*"), in relation to the 1992 Scheme or the NFPS, has the meaning given in paragraph 15;

"transition date" ("*dyddiad trosiant*"), in relation to a transition member, means—

(**1**) Section 18(6) was amended by the Pensions Act 2014 (c. 19), section 52(3).

ystyr "dyddiad cau'r cynllun" ("*scheme closing date*") yw 31 Mawrth 2015;

ystyr "dyddiad trosiant" ("*transition date*"), mewn perthynas ag aelod trosiannol, yw—

(a) os yw'r aelod yn aelod diogelwch taprog o Gynllun 1992 neu CPNDT, y diwrnod ar ôl y dyddiad cau diogelwch taprog ar gyfer yr aelod hwnnw, a

(b) os nad yw'r aelod yn aelod a ddiogelir o Gynllun 1992 neu CPNDT, y diwrnod ar ôl dyddiad cau'r cynllun, neu, os yw'n ddiweddarach, y diwrnod y peidiodd y person â bod yn aelod a ddiogelir o'r cynllun hwnnw;

ystyr "eithriad" ("*exception*") yw—

(a) mewn perthynas â chynllun presennol, eithriad o dan adran 18(5) o Ddeddf 2013 y darperir ar ei gyfer yn y rheoliadau cynllun ar gyfer y cynllun hwnnw,

(b) mewn perthynas â chynllun pensiwn corff cyhoeddus presennol, eithriad o dan adran 31(4) o Ddeddf 2013 y darperir ar ei gyfer gan yr awdurdod cyhoeddus sy'n gyfrifol am y cynllun hwnnw.

(a) if the member is a tapered protection member of the 1992 Scheme or the NFPS, the day after the tapered protection closing date for that member, and

(b) if the member is not a protected member of the 1992 Scheme or the NFPS, the day after the scheme closing date, or, if later, the day the person ceased to be a protected member of that scheme;

"transition member" ("*aelod trosiannol*") means a person—

(a) who is a member of the 1992 Scheme or the NFPS by virtue of their pensionable service under that scheme, or who is eligible to be an active member of the NFPS, before the transition date, and

(b) who is a member of this scheme by virtue of the person's pensionable service under this scheme.

Ystyr "parhad gwasanaeth"

2.—(1) Mae gan aelod trosiannol (T) barhad gwasanaeth rhwng gwasanaeth pensiynadwy yng Nghynllun 1992 neu CPNDT, yn ôl fel y digwydd, a gwasanaeth pensiynadwy yn y cynllun hwn, onid oes bwlch yng ngwasanaeth T o fwy na phum mlynedd sy'n—

(a) dechrau ar neu cyn dyddiad trosiant T; a

(b) yn diweddu ar y diwrnod y daw T yn aelod actif o'r cynllun hwn.

(2) At ddibenion is-baragraff (1), ar ôl dyddiad cau'r cynllun, nid yw T mewn bwlch yn ei wasanaeth tra bo T mewn gwasanaeth sy'n bensiynadwy o dan gynllun presennol, cynllun pensiwn corff cyhoeddus presennol, cynllun o dan adran 1 o Ddeddf 2013 neu gynllun pensiwn corff cyhoeddus newydd.

Meaning of "continuity of service"

2.—(1) A transition member (T) has continuity of service between pensionable service in the 1992 Scheme or the NFPS, as the case may be, and pensionable service in this scheme unless T has a gap in service exceeding five years which—

(a) begins on or before T's transition date; and

(b) ends on the day on which T becomes an active member of this scheme.

(2) For the purposes of sub-paragraph (1), after the scheme closing date T is not on a gap in service while T is in service which is pensionable under an existing scheme, an existing public body pension scheme, a scheme under section 1 of the 2013 Act or a new public body pension scheme.

Ystyr "dyddiad cau diogelwch taprog"

3.—(1) Y dyddiad cau diogelwch taprog ar gyfer aelod diogelwch taprog o Gynllun 1992 yw'r dyddiad a ganfyddir drwy gymhwyso'r dyddiad perthnasol yng ngholofn 3 o'r tabl Cynllun 1992 yn Rhan 4 o'r Atodlen hon, i'r dyddiad geni y cyfeirir ato yng ngholofn 1 a cholofn 2.

(2) Yn ddarostyngedig i is-baragraff (3), y dyddiad cau diogelwch taprog ar gyfer aelod diogelwch taprog o CPNDT yw'r dyddiad a ganfyddir drwy gymhwyso'r dyddiad perthnasol yng ngholofn 3 o'r tabl CPNDT yn Rhan 4 o'r Atodlen hon, i'r dyddiad geni y cyfeirir ato yng ngholofn 1 a cholofn 2.

Meaning of "tapered protection closing date"

3.—(1) The tapered protection closing date for a tapered protection member of the 1992 Scheme is the date found by applying the relevant date in column 3 of the 1992 Scheme table in Part 4 of this Schedule to the birthday referred to in column 1 and column 2.

(2) Subject to sub-paragraph (3), the tapered protection closing date for a tapered protection member of the NFPS is the date found by applying the relevant date in column 3 of the NFPS table in Part 4 of this Schedule to the birthday referred to in column 1 and column 2.

(3) Y dyddiad cau diogelwch taprog ar gyfer aelod diogelwch taprog o CPNDT y mae paragraff 9(5) neu 21 yn gymwys iddo yw dyddiad a benderfynir gan y rheolwr cynllun.

Ystyr "cymwys i fod yn aelod actif" o CPNDT

4.—(1) At ddibenion yr Atodlen hon, mae person (P) yn gymwys i fod yn aelod actif o CPNDT ar ddyddiad penodol os, ar y dyddiad hwnnw, nad yw P mewn gwasanaeth pensiynadwy o dan Gynllun 1992 nac o dan CPNDT, a naill ai—

(a) bod P mewn gwasanaeth fel diffoddwr tân sy'n rhoi i P yr hawl i fod yn gymwys i fod yn aelod actif o CPNDT; neu

(b) bod P mewn bwlch o ddim mwy na phum mlynedd yn ei wasanaeth pensiynadwy.

(2) At ddibenion is-baragraff (1)(b), ar ôl dyddiad cau'r cynllun, nid yw P mewn bwlch mewn gwasanaeth tra bo P mewn gwasanaeth cyhoeddus pensiynadwy.

Ystyr "aelod actif o Gynllun 1992 neu CPNDT"

5.—(1) At ddibenion yr Atodlen hon, mae person (P) yn aelod actif o Gynllun 1992 neu CPNDT ar ddyddiad penodol os yw P, ar y dyddiad hwnnw—

(a) mewn gwasanaeth pensiynadwy o dan Gynllun 1992 neu CPNDT; neu

(b) mewn bwlch o ddim mwy na phum mlynedd yn ei wasanaeth.

(2) At ddibenion is-baragraff (1)(b), ar ôl dyddiad cau'r cynllun, nid yw P mewn bwlch mewn gwasanaeth tra bo P mewn gwasanaeth cyhoeddus pensiynadwy.

Ystyr "aelod actif o gynllun presennol"

6.—(1) At ddibenion yr Atodlen hon, mae person (P) yn aelod actif o gynllun presennol(**1**) (ac eithrio Cynllun 1992 neu CPNDT) ar ddyddiad penodol os yw P, ar y dyddiad hwnnw—

(a) mewn gwasanaeth pensiynadwy o dan y cynllun hwnnw; neu

(b) mewn bwlch o ddim mwy na phum mlynedd yn ei wasanaeth.

(2) At ddibenion is-baragraff (1)(b), ar ôl y dyddiad cau ar gyfer y cynllun presennol nid yw P mewn bwlch mewn gwasanaeth tra bo P mewn gwasanaeth cyhoeddus pensiynadwy.

(**1**) Gweler adran 18(2) o Ddeddf 2013 ar gyfer ystyr "existing scheme".

(3) The tapered protection closing date for a tapered protection member of the NFPS to whom paragraph 9(5) or 21 applies is a date determined by the scheme manager.

Meaning of "eligible to be an active member" of the NFPS

4.—(1) For the purpose of this Schedule, a person (P) is eligible to be an active member of the NFPS on a given date if on that date P is not in pensionable service under the 1992 Scheme or the NFPS and either—

(a) P is in service as a firefighter which entitles P to be eligible to be an active member of the NFPS; or

(b) P is on a gap in pensionable service not exceeding five years.

(2) For the purpose of sub-paragraph (1)(b), after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Meaning of "active member of the 1992 Scheme or the NFPS"

5.—(1) For the purpose of this Schedule, a person (P) is an active member of the 1992 Scheme or the NFPS on a given date if on that date P is—

(a) in pensionable service under the 1992 Scheme or the NFPS; or

(b) on a gap in service not exceeding five years.

(2) For the purpose of sub-paragraph (1)(b), after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Meaning of "active member of an existing scheme"

6.—(1) For the purpose of this Schedule, a person (P) is an active member of an existing scheme(**1**) (other than the 1992 Scheme or the NFPS) on a given date if on that date P is—

(a) in pensionable service under that scheme; or

(b) on a gap in service not exceeding five years.

(2) For the purpose of sub-paragraph (1)(b), after the closing date for the existing scheme P is not on a gap in service while P is in pensionable public service.

(**1**) See section 18(2) of the 2013 Act for the meaning of "existing scheme".

Ystyr "aelod actif o gynllun pensiwn corff cyhoeddus presennol"

7.—(1) At ddibenion yr Atodlen hon, mae person (P) yn aelod actif o gynllun pensiwn corff cyhoeddus presennol ar ddyddiad penodol os yw P, ar y dyddiad hwnnw—

(a) mewn gwasanaeth pensiynadwy o dan y cynllun hwnnw; neu

(b) mewn bwlch yn ei wasanaeth nad yw'n hwy na phum mlynedd.

(2) At ddibenion is-baragraff (1)(b), ar ôl y dyddiad cau ar gyfer y cynllun pensiwn corff cyhoeddus presennol nid yw P mewn bwlch yn ei wasanaeth tra bo P mewn gwasanaeth cyhoeddus pensiynadwy.

Cychwyn aelodaeth actif o'r cynllun hwn

8.—(1) Mae person sy'n aelod trosiannol pan fo'n dechrau mewn gwasanaeth pensiynadwy o dan y cynllun hwn ac nad oes ganddo barhad gwasanaeth, yn dod yn aelod actif o'r cynllun hwn ar y diwrnod y mae'r person hwnnw'n dechrau mewn gwasanaeth pensiynadwy mewn cyflogaeth gynllun.

(2) Mae person sy'n aelod trosiannol pan fo'n dechrau mewn gwasanaeth pensiynadwy o dan y cynllun hwn, a chanddo barhad gwasanaeth (T), yn dod yn aelod actif o'r cynllun hwn—

(a) os yw T mewn gwasanaeth pensiynadwy mewn cyflogaeth gynllun ar y dyddiad trosiant, ar y dyddiad hwnnw; neu

(b) os nad yw T mewn gwasanaeth pensiynadwy mewn cyflogaeth gynllun ar y dyddiad trosiant, ar y diwrnod y mae T yn dechrau mewn gwasanaeth pensiynadwy mewn cyflogaeth gynllun ar ôl y dyddiad hwnnw.

RHAN 2

Aelodau diogelwch llawn o Gynllun 1992 neu CPNDT

Aelodau diogelwch llawn o Gynllun 1992 neu CPNDT

9.—(1) Mae person (P) y mae unrhyw un o'r paragraffau 12 i 14 yn gymwys yn aelod diogelwch llawn o Gynllun 1992 neu o CPNDT, yn ôl fel y digwydd.

(2) Mae P yn peidio â bod yn aelod diogelwch llawn o Gynllun 1992 neu o CPNDT, yn ôl fel y digwydd, pan fo P yn peidio â bod mewn gwasanaeth pensiynadwy o dan y cynllun hwnnw ac yn peidio â bod yn gymwys i fod yn aelod actif o CPNDT, onid yw is-baragraff (3) neu (4) yn gymwys.

(3) Mae'r is-baragraff hwn yn gymwys—

Meaning of "active member of an existing public body pension scheme"

7.—(1) For the purpose of this Schedule, a person (P) is an active member of an existing public body pension scheme on a given date if on that date P is—

(a) in pensionable service under that scheme; or

(b) on a gap in service not exceeding five years.

(2) For the purpose of sub-paragraph (1)(b), after the closing date for the existing public body pension scheme P is not on a gap in service while P is in pensionable public service.

Commencement of active membership of this scheme

8.—(1) A person who is a transition member on entering pensionable service under this scheme and who does not have continuity of service becomes an active member of this scheme on the day the person begins pensionable service in a scheme employment.

(2) A person who is a transition member on entering pensionable service under this scheme and who has continuity of service (T) becomes an active member of this scheme—

(a) if T is in pensionable service in a scheme employment on the transition date, on that date; or

(b) if T is not in pensionable service in a scheme employment on the transition date, on the day T enters pensionable service in a scheme employment after that date.

PART 2

Full protection members of the 1992 Scheme or the NFPS

Full protection members of the 1992 Scheme or the NFPS

9.—(1) A person (P) to whom any of paragraphs 12 to 14 applies is a full protection member of the 1992 Scheme or the NFPS, as the case may be.

(2) P ceases to be a full protection member of the 1992 Scheme or the NFPS, as the case may be, when P ceases to be in pensionable service under that scheme and ceases to be eligible to be an active member of the NFPS, unless sub-paragraph (3) or (4) applies.

(3) This sub-paragraph applies if P—

(a) os yw P yn dychwelyd i wasanaeth sy'n bensiynadwy o dan CPNDT o wasanaeth sy'n bensiynadwy o dan gynllun presennol (ac eithrio Cynllun 1992) neu gynllun pensiwn corff cyhoeddus presennol; a

(b) os byddai P wedi bod yn aelod a ddiogelid yn llawn o'r cynllun presennol neu'r cynllun pensiwn corff cyhoeddus presennol hwnnw pe bai P wedi ailgychwyn mewn gwasanaeth sy'n bensiynadwy o dan y cynllun hwnnw ar y dyddiad y mae P yn dychwelyd i wasanaeth sy'n bensiynadwy o dan CPNDT.

(4) Mae'r is-baragraff hwn yn gymwys os yw P yn dychwelyd i wasanaeth sy'n bensiynadwy o dan CPNDT—

(a) rhywfodd ac eithrio o wasanaeth sy'n bensiynadwy o dan gynllun presennol neu gynllun pensiwn corff cyhoeddus presennol; a

(b) ar ôl bwlch mewn gwasanaeth nad yw'n hwy na phum mlynedd.

(5) Os yw P yn dychwelyd i wasanaeth sy'n bensiynadwy o dan CPNDT mewn amgylchiadau pan fo is-baragraff (6) yn gymwys, mae P yn aelod diogelwch taprog o CPNDT pan fo P yn dychwelyd i'r gwasanaeth hwnnw.

(6) Mae'r is-baragraff hwn yn gymwys—

(a) os yw P yn dychwelyd i wasanaeth sy'n bensiynadwy o dan CPNDT o wasanaeth sy'n bensiynadwy o dan gynllun presennol neu gynllun pensiwn corff cyhoeddus presennol; a

(b) os byddai P wedi bod yn aelod a ddiogelid o'r cynllun presennol neu'r cynllun pensiwn corff cyhoeddus presennol yn rhinwedd eithriad y mae adran 18(7)(a) a (b) o Ddeddf 2013 (neu'r adran honno fel y'i cymhwysir gan adran 31(4) o'r Ddeddf honno) yn gymwys iddo, pe bai P wedi ailgychwyn mewn gwasanaeth sy'n bensiynadwy o dan y cynllun hwnnw ar y dyddiad y mae P yn dychwelyd i wasanaeth sy'n bensiynadwy o dan CPNDT.

(7) At ddibenion is-baragraff (4)(b), ar ôl dyddiad cau'r cynllun, nid yw P mewn bwlch mewn gwasanaeth tra bo P mewn gwasanaeth cyhoeddus pensiynadwy.

Eithriad ar gyfer aelod diogelwch llawn yn ystod y cyfnod diogelwch

10.—(1) Y cyfnod diogelwch ar gyfer person (P) sy'n aelod diogelwch llawn o Gynllun 1992 neu CPNDT, yn ôl fel y digwydd, yw'r cyfnod sydd—

(a) yn dechrau ar y diwrnod ar ôl dyddiad cau'r cynllun; a

(a) returns to service which is pensionable under the NFPS from service which is pensionable under an existing scheme (other than the 1992 Scheme) or an existing public body pension scheme; and

(b) would have been a fully protected member of that existing scheme or existing public body pension scheme had P re-entered service which is pensionable under that scheme on the date P returns to service which is pensionable under the NFPS.

(4) This sub-paragraph applies if P returns to service which is pensionable under the NFPS—

(a) otherwise than from service which is pensionable under an existing scheme or an existing public body pension scheme; and

(b) after a gap in service not exceeding five years.

(5) If P returns to service which is pensionable under the NFPS in circumstances where sub-paragraph (6) applies, P is a tapered protection member of the NFPS when P returns to that service.

(6) This sub-paragraph applies if P—

(a) returns to service which is pensionable under the NFPS from service which is pensionable under an existing scheme or an existing public body pension scheme; and

(b) would have been a protected member of the existing scheme or existing public body pension scheme by virtue of an exception to which section 18(7)(a) and (b) of the 2013 Act (or that section as applied by section 31(4) of that Act) applies had P re-entered service which is pensionable under that scheme on the date P returns to service which is pensionable under the NFPS.

(7) For the purpose of sub-paragraph (4)(b), after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Exception for full protection member during protection period

10.—(1) The protection period for a person (P) who is a full protection member of the 1992 Scheme or the NFPS, as the case may be, is the period which—

(a) begins on the day after the scheme closing date; and

(b) yn dod i ben pan fo P yn peidio â bod yn aelod diogelwch llawn o Gynllun 1992 neu CPNDT (onid yw P yn aelod diogelwch taprog yn rhinwedd paragraff 9(5)).

(2) Yn ystod y cyfnod diogelwch—

(a) mae P yn gymwys i fod mewn gwasanaeth pensiynadwy o dan CPNDT, neu os yw P yn aelod actif o Gynllun 1992, yn gymwys i fod mewn gwasanaeth pensiynadwy o dan y cynllun hwnnw;

(b) nid yw adran 18(1) o Ddeddf 2013 yn gymwys mewn cysylltiad â'r gwasanaeth pensiynadwy hwnnw; ac

(c) mae buddion i'w darparu o dan Gynllun 1992 neu CPNDT, yn ôl fel y digwydd, i P neu mewn cysylltiad â P mewn perthynas â'r gwasanaeth pensiynadwy hwnnw.

Nid yw aelod diogelwch llawn yn gymwys i ymuno â'r cynllun hwn

11. Tra bo person (P) yn aelod diogelwch llawn o Gynllun 1992 neu CPNDT, nid yw P yn gymwys i fod yn aelod actif o'r cynllun hwn mewn cysylltiad â'r gyflogaeth gynllun honno.

Diogelwch llawn: aelodau o Gynllun 1992 neu CPNDT ar ddyddiad cau'r cynllun

12.—(1) Mae'r paragraff hwn yn gymwys os yw is-baragraff (2) neu is-baragraff (3) yn gymwys.

(2) Mae'r is-baragraff hwn yn gymwys—

(a) os oedd P yn aelod actif o Gynllun 1992 neu'n aelod actif, neu'n gymwys i fod yn aelod actif, o CPNDT ar ddyddiad cau'r cynllun;

(b) os oedd P yn aelod actif o Gynllun 1992 neu'n aelod actif, neu'n gymwys i fod yn aelod actif, o CPNDT ar 31 Mawrth 2012; ac

(c) os yw P—

(i) yn aelod actif o Gynllun 1992 ac y byddai P, oni fydd farw, yn cyrraedd oedran pensiwn arferol o dan Gynllun 1992(**1**), ar neu cyn 1 Ebrill 2022; neu

(ii) yn aelod actif, neu'n gymwys i fod yn aelod actif o CPNDT, ac y byddai P, oni fydd farw, yn cyrraedd oedran pensiwn

(**1**) S.I. 1992/129: mae rheol A13 yn darparu mai'r oedran pensiwn arferol yw 55 ac mae rheol B1 yn galluogi diffoddwyr tân rheolaidd dros 50 oed i ymddeol unwaith y gallant gyfrif o leiaf 25 mlynedd o wasanaeth pensiynadwy. Amnewidiwyd rheol A13 fel y mae'n cael effaith yng Nghymru gan O.S. 2006/1672. Amnewidiwyd rheol B1 fel y mae'n cael effaith yng Nghymru gan O.S. 2005/566 a 2014/3242.

(b) ends when P ceases to be a full protection member of the 1992 Scheme or the NFPS (unless P is a tapered protection member by virtue of paragraph 9(5)).

(2) During the protection period—

(a) P is eligible to be in pensionable service under the NFPS or, where P is an active member of the 1992 Scheme, eligible to be in pensionable service under that scheme;

(b) section 18(1) of the 2013 Act does not apply in respect of that pensionable service; and

(c) benefits are to be provided under the 1992 Scheme or the NFPS, as the case may be, to or in respect of P in relation to that pensionable service.

Full protection member not eligible to join this scheme

11. While a person (P) is a full protection member of the 1992 Scheme or the NFPS, P is not eligible to be an active member of this scheme in respect of that scheme employment.

Full protection: members of the 1992 Scheme or the NFPS on scheme closing date

12.—(1) This paragraph applies if sub-paragraph (2) or sub-paragraph (3) applies.

(2) This sub-paragraph applies if—

(a) P was an active member of the 1992 Scheme or an active member, or eligible to be an active member, of the NFPS on the scheme closing date;

(b) P was an active member of the 1992 Scheme or an active member, or eligible to be an active member, of the NFPS on 31 March 2012; and

(c) if P—

(i) is an active member of the 1992 Scheme, P would, unless P dies, reach normal pension age under the 1992 Scheme(**1**) on or before 1 April 2022; or

(ii) is an active member, or eligible to be an active member, of the NFPS, P would, unless P dies, reach normal pension age

(**1**) S.I. 1992/129: rule A13 provides that normal pension age is 55 and rule B1 enables regular firefighters over the age of 50 to retire once they have reckoned pensionable service of at least 25 years. Rule A13 as it has effect in Wales was substituted by S.I. 2006/1672. Rule B1 as it has effect in Wales has been amended by S.I. 2005/566 and 2014/3242.

arferol o dan CPNDT(**1**), ar neu cyn 1 Ebrill 2022.

(3) Mae'r is-baragraff hwn yn gymwys—

(a) os oedd P yn aelod actif o gynllun presennol (ac eithrio Cynllun 1992 neu CPNDT) neu gynllun pensiwn corff cyhoeddus presennol ("cynllun trosiannol P") ar 31 Mawrth 2012;

(b) os oedd P yn aelod actif, neu'n gymwys i fod yn aelod actif o CPNDT ar ddyddiad cau'r cynllun; ac

(c) oni fydd farw, bydd P yn cyrraedd oedran pensiwn arferol o dan CPNDT a chynllun trosiannol P ar neu cyn 1 Ebrill 2022.

Diogelwch llawn: aelodau o gynllun presennol

13. Mae'r paragraff hwn yn gymwys—

(a) os oedd P yn aelod actif o gynllun presennol (ac eithrio Cynllun 1992 neu CPNDT) neu gynllun pensiwn corff cyhoeddus presennol ar y dyddiad cau ar gyfer y cynllun hwnnw;

(b) os oedd P yn aelod actif o gynllun presennol neu gynllun pensiwn corff cyhoeddus presennol ("cynllun trosiannol P") ar 31 Mawrth 2012;

(c) os yw P yn dechrau mewn gwasanaeth sy'n bensiynadwy o dan CPNDT, ddim mwy na phum mlynedd ar ôl gadael gwasanaeth pensiynadwy o dan gynllun presennol ac eithrio Cynllun 1992 neu CPNDT;

(d) os byddai P, ar y dyddiad y mae P yn dechrau mewn gwasanaeth sy'n bensiynadwy o dan CPNDT, wedi bod yn aelod a ddiogelid yn llawn o'r cynllun presennol y cyfeirir ato yn is-baragraff (c) pe bai P wedi ailddechrau mewn gwasanaeth sy'n bensiynadwy o dan y cynllun hwnnw ar y dyddiad hwnnw; ac

(e) oni fydd farw, bydd P yn cyrraedd oedran pensiwn arferol o dan CPNDT a chynllun trosiannol P ar neu cyn 1 Ebrill 2022.

Diogelwch llawn: aelodau o gynllun pensiwn corff cyhoeddus presennol

14. Mae'r paragraff hwn yn gymwys—

(a) os oedd P yn aelod actif o gynllun presennol (ac eithrio Cynllun 1992 neu CPNDT) neu gynllun pensiwn corff cyhoeddus presennol ar y dyddiad cau ar gyfer y cynllun hwnnw;

(**1**) O.S. 2007/1072 (Cy. 110): mae rheol 3(1) o Ran 2 yn darparu mai oedran ymddeol arferol aelodau sy'n ddiffoddwyr tân yw 60.

under the NFPS(**1**) on or before 1 April 2022.

(3) This sub-paragraph applies if P—

(a) was an active member of an existing scheme (other than the 1992 Scheme or the NFPS) or an existing public body pension scheme ("P's transitional scheme") on 31 March 2012;

(b) was an active member or eligible to be an active member of the NFPS on the scheme closing date; and

(c) would, unless P dies, reach normal pension age under the NFPS and P's transitional scheme on or before 1 April 2022.

Full protection: members of an existing scheme

13. This paragraph applies if—

(a) P was an active member of an existing scheme (other than the 1992 Scheme or the NFPS) or an existing public body pension scheme on the closing date for that scheme;

(b) P was an active member of an existing scheme or an existing public body pension scheme ("P's transitional scheme") on 31 March 2012;

(c) P begins service which is pensionable under the NFPS not more than five years after leaving pensionable service under an existing scheme other than the 1992 Scheme or the NFPS;

(d) on the date that P begins service which is pensionable under the NFPS, P would have been a fully protected member of the existing scheme referred to in sub-paragraph (c) had P re-entered service which is pensionable under that scheme on that date; and

(e) P would, unless P dies, reach normal pension age under the NFPS and P's transitional scheme on or before 1 April 2022.

Full protection: members of an existing public body pension scheme

14. This paragraph applies if—

(a) P was an active member of an existing scheme (other than the 1992 Scheme or the NFPS) or an existing public body pension scheme on the closing date for that scheme;

(**1**) S.I. 2007/1072 (W. 110): rule 3(1) of Part 2 provides that normal retirement age of firefighter members is 60.

(b) os oedd P yn aelod actif o gynllun presennol neu gynllun pensiwn corff cyhoeddus presennol ("cynllun trosiannol P") ar 31 Mawrth 2012;

(c) os yw P yn dechrau mewn gwasanaeth sy'n bensiynadwy o dan CPNDT, ddim mwy na phum mlynedd ar ôl gadael gwasanaeth pensiynadwy o dan gynllun pensiwn corff cyhoeddus presennol;

(d) os byddai P, ar y dyddiad y mae P yn dechrau mewn gwasanaeth sy'n bensiynadwy o dan CPNDT, wedi bod yn aelod a ddiogelid yn llawn o'r cynllun pensiwn corff cyhoeddus presennol y cyfeirir ato yn is-baragraff (c) pe bai P wedi ailddechrau mewn gwasanaeth sy'n bensiynadwy o dan y cynllun hwnnw ar y dyddiad hwnnw; ac

(e) oni fydd farw, bydd P yn cyrraedd oedran pensiwn arferol o dan CPNDT a chynllun trosiannol P ar neu cyn 1 Ebrill 2022.

(b) P was an active member of an existing scheme or an existing public body pension scheme ("transitional scheme") on 31 March 2012;

(c) P begins service which is pensionable under the NFPS not more than five years after leaving pensionable service under an existing public body pension scheme;

(d) on the date that P begins service which is pensionable under the NFPS, P would have been a fully protected member of the existing public body pension scheme referred to in sub-paragraph (c) had P re-entered service which is pensionable under that scheme on that date; and

(e) P would, unless P dies, reach normal pension age under the NFPS and P's transitional scheme on or before 1 April 2022.

RHAN 2

Eithriadau i adran 18(1) o Ddeddf 2013: aelodau diogelwch taprog o Gynllun 1992 neu CPNDT

Aelodau diogelwch taprog o Gynllun 1992 neu CPNDT

15.—(1) Mae person (P) y mae unrhyw un o'r paragraffau 18 i 21 yn gymwys iddo yn aelod diogelwch taprog o Gynllun 1992 neu CPNDT.

(2) Mae P yn peidio â bod yn aelod diogelwch taprog o Gynllun 1992 neu CPNDT ar ba un bynnag o'r diwrnodau canlynol sy'n digwydd gyntaf—

(a) dyddiad cau diogelwch taprog P; neu

(b) y diwrnod y mae P yn peidio â bod mewn gwasanaeth pensiynadwy o dan Gynllun 1992 neu os yw'n ddiweddarach, yn peidio â bod yn gymwys i fod mewn gwasanaeth pensiynadwy o dan CPNDT, onid yw is-baragraff (3) neu is-baragraff (4) yn gymwys.

(3) Mae'r is-baragraff hwn yn gymwys—

(a) os yw P, cyn dyddiad trosiant P, yn dychwelyd i wasanaeth sy'n bensiynadwy o dan CPNDT o wasanaeth sy'n bensiynadwy o dan gynllun presennol neu gynllun pensiwn corff cyhoeddus presennol; a

(b) os byddai P wedi bod yn aelod a ddiogelid o'r cynllun presennol neu'r cynllun pensiwn corff cyhoeddus presennol hwnnw pe bai P wedi ailddechrau mewn gwasanaeth sy'n bensiynadwy o dan y cynllun hwnnw ar y dyddiad y mae P yn dychwelyd i wasanaeth sy'n bensiynadwy o dan CPNDT.

PART 3

Exceptions to section 18(1) of the 2013 Act: tapered protection members of the 1992 Scheme or the NFPS

Tapered protection members of the 1992 Scheme or the NFPS

15.—(1) A person (P) to whom any of paragraphs 18 to 21 applies is a tapered protection member of the 1992 Scheme or the NFPS.

(2) P ceases to be a tapered protection member of the 1992 Scheme or the NFPS on whichever of the following days occurs first—

(a) P's tapered protection closing date; or

(b) the day on which P ceases to be in pensionable service under the 1992 Scheme or if later, ceases to be eligible to be in pensionable service under the NFPS, unless sub-paragraph (3) or sub-paragraph (4) applies.

(3) This sub-paragraph applies if—

(a) before P's transition date P returns to service which is pensionable under the NFPS from service which is pensionable under an existing scheme or an existing public body pension scheme; and

(b) P would have been a protected member of that existing scheme or existing public body pension scheme had P re-entered service which is pensionable under that scheme on the date P returns to service which is pensionable under the NFPS.

(4) Mae'r is-baragraff hwn yn gymwys os yw P—

(a) cyn dyddiad trosiant P, yn dychwelyd i wasanaeth sy'n bensiynadwy o dan CPNDT rywfodd ac eithrio o wasanaeth sy'n bensiynadwy o dan gynllun presennol neu gynllun pensiwn corff cyhoeddus presennol; a

(b) yn dychwelyd i wasanaeth sy'n bensiynadwy o dan CPNDT ar ôl bwlch mewn gwasanaeth nad yw'n hwy na phum mlynedd.

(5) At ddibenion is-baragraff (4)(b), ar ôl dyddiad cau'r cynllun, nid yw P mewn bwlch mewn gwasanaeth tra bo P mewn gwasanaeth cyhoeddus pensiynadwy.

Eithriad ar gyfer aelodau diogelwch taprog yn ystod y cyfnod diogelwch

16.—(1) Y cyfnod diogelwch ar gyfer aelod diogelwch taprog o Gynllun 1992 neu CPNDT yw'r cyfnod sydd—

(a) yn dechrau ar y diwrnod ar ôl dyddiad cau'r cynllun; a

(b) yn dod i ben pan fo P yn peidio â bod yn aelod diogelwch taprog o Gynllun 1992 neu CPNDT.

(2) Yn ystod y cyfnod diogelwch—

(a) mae P yn gymwys i fod mewn gwasanaeth pensiynadwy o dan CPNDT neu, os yw P yn aelod actif o Gynllun 1992, yn gymwys i fod mewn gwasanaeth pensiynadwy o dan y cynllun hwnnw;

(b) nid yw adran 18(1) o Ddeddf 2013 yn gymwys mewn cysylltiad â'r gwasanaeth pensiynadwy hwnnw; ac

(c) mae buddion i'w darparu o dan Gynllun 1992 neu CPNDT, yn ôl fel y digwydd, i P neu mewn cysylltiad â P mewn perthynas â'r gwasanaeth pensiynadwy hwnnw.

Nid yw aelod diogelwch taprog yn gymwys i ymuno â'r cynllun hwn

17. Tra bo person (P) yn aelod diogelwch taprog o Gynllun 1992 neu CPNDT, nid yw P yn gymwys i fod yn aelod actif o'r cynllun hwn mewn cysylltiad â'r gyflogaeth gynllun honno.

Diogelwch taprog: aelodau o Gynllun 1992 neu CPNDT ar ddyddiad cau'r cynllun

18.—(1) Mae'r paragraff hwn yn gymwys os yw is-baragraff (2) neu is-baragraff (3) yn gymwys.

(2) Mae'r is-baragraff hwn yn gymwys—

(4) This sub-paragraph applies if—

(a) before P's transition date P returns to service which is pensionable under the NFPS otherwise than from service which is pensionable under an existing scheme or an existing public body pension scheme; and

(b) P returns to service which is pensionable under the NFPS after a gap in service not exceeding five years.

(5) For the purpose of paragraph (4)(b), after the scheme closing date, P is not on a gap in service while P is in pensionable public service.

Exception for tapered protection members during protection period

16.—(1) The protection period for a tapered protection member of the 1992 Scheme or the NFPS is the period which—

(a) begins on the day after the scheme closing date; and

(b) ends when P ceases to be a tapered protection member of the 1992 Scheme or the NFPS.

(2) During the protection period—

(a) P is eligible to be in pensionable service under the NFPS or, where P is an active member of the 1992 Scheme, eligible to be in pensionable service under that scheme;

(b) section 18(1) of the 2013 Act does not apply in respect of that pensionable service; and

(c) benefits are to be provided under the 1992 Scheme or the NFPS, as the case may be, to or in respect of P in relation to that pensionable service.

Tapered protection member not eligible to join this scheme

17. While a person (P) is a tapered protection member of the 1992 Scheme or the NFPS, P is not eligible to be an active member of this scheme in respect of that scheme employment.

Tapered protection: members of the 1992 Scheme or the NFPS on scheme closing date

18.—(1) This paragraph applies if sub-paragraph (2) or sub-paragraph (3) applies.

(2) This sub-paragraph applies if—

(a) os oedd P yn aelod actif o Gynllun 1992 neu'n aelod actif, neu'n gymwys i fod yn aelod actif, o CPNDT ar ddyddiad cau'r cynllun;

(b) os oedd P, ar 31 Mawrth 2012, yn aelod actif o Gynllun 1992 neu'n aelod actif, neu'n gymwys i fod yn aelod actif, o CPNDT; ac

(c) os yw P—

(i) yn aelod actif o Gynllun 1992 ac oni fydd farw, bydd P yn cyrraedd oedran pensiwn arferol o dan Gynllun 1992 yn ystod y cyfnod sy'n dechrau gyda 2 Ebrill 2022 ac yn diweddu gyda 31 Mawrth 2026; neu

(ii) yn aelod actif, neu'n gymwys i fod yn aelod actif o CPNDT, ac oni fydd farw, bydd P yn cyrraedd oedran pensiwn arferol o dan CPNDT yn ystod y cyfnod sy'n dechrau gyda 2 Ebrill 2022 ac yn diweddu gyda 31 Mawrth 2026.

(3) Mae'r is-baragraff hwn yn gymwys—

(a) os oedd P yn aelod actif o gynllun presennol (ac eithrio Cynllun 1992 neu CPNDT), neu o gynllun pensiwn corff cyhoeddus presennol, ("cynllun trosiannol P") ar 31 Mawrth 2012;

(b) os oedd P yn aelod actif o CPNDT ar ddyddiad cau'r cynllun; ac

(c) oni fydd farw, bydd P yn cyrraedd oedran pensiwn arferol—

(i) o dan CPNDT yn ystod y cyfnod sy'n dechrau gydag 2 Ebrill 2022 ac yn diweddu gyda 31 Mawrth 2026, a

(ii) o dan gynllun trosiannol P ar neu cyn 1 Medi 2025.

Diogelwch taprog: aelodau o gynllun presennol

19. Mae'r paragraff hwn yn gymwys—

(a) os oedd P yn aelod actif o gynllun presennol (ac eithrio Cynllun 1992 neu CPNDT) neu gynllun pensiwn corff cyhoeddus presennol ar y dyddiad cau ar gyfer y cynllun hwnnw;

(b) os oedd P yn aelod actif o gynllun presennol neu gynllun pensiwn corff cyhoeddus presennol ("cynllun trosiannol P") ar 31 Mawrth 2012;

(c) os yw P yn dechrau mewn gwasanaeth sy'n bensiynadwy o dan CPNDT, ddim mwy na phum mlynedd ar ôl gadael gwasanaeth pensiynadwy o dan gynllun presennol ac eithrio Cynllun 1992 neu CPNDT;

(a) P was an active member of the 1992 Scheme or was an active member, or eligible to be an active member, of the NFPS on the scheme closing date;

(b) on 31 March 2012 P was an active member of the 1992 Scheme or was an active member, or eligible to be an active member, of the NFPS; and

(c) if P—

(i) is an active member of the 1992 Scheme P would, unless P dies, reach normal pension age under the 1992 Scheme during the period beginning with 2 April 2022 and ending with 31 March 2026; or

(ii) is an active member, or eligible to be an active member, of the NFPS, P would, unless P dies, reach normal pension age under the NFPS during the period beginning with 2 April 2022 and ending with 31 March 2026.

(3) This sub-paragraph applies if P—

(a) was an active member of an existing scheme (other than the 1992 Scheme or the NFPS), or of an existing public body pension scheme ("P's transitional scheme") on 31 March 2012;

(b) was an active member of the NFPS on the scheme closing date; and

(c) would, unless P dies, reach normal pension age—

(i) under the NFPS during the period beginning with 2 April 2022 and ending with 31 March 2026, and

(ii) under P's transitional scheme on or before 1 September 2025.

Tapered protection: members of an existing scheme

19. This paragraph applies if—

(a) P was an active member of an existing scheme (other than the 1992 Scheme or the NFPS) or an existing public body pension scheme on the closing date for that scheme;

(b) P was an active member of an existing scheme or an existing public body pension scheme ("P's transitional scheme") on 31 March 2012;

(c) P begins service which is pensionable under the NFPS not more than five years after leaving pensionable service under an existing scheme other than the 1992 Scheme or the NFPS;

(d) os byddai P, ar y dyddiad y mae P yn dechrau mewn gwasanaeth sy'n bensiynadwy o dan CPNDT, wedi bod yn aelod a ddiogelid o'r cynllun presennol y cyfeirir ato yn is-baragraff (c) pe bai P wedi ailddechrau mewn gwasanaeth sy'n bensiynadwy o dan y cynllun hwnnw ar y dyddiad hwnnw; ac

(e) oni fydd farw, bydd P yn cyrraedd oedran pensiwn arferol—

(i) o dan CPNDT yn ystod y cyfnod sy'n dechrau gydag 2 Ebrill 2022 ac yn diweddu gyda 31 Mawrth 2026, a

(ii) o dan gynllun trosiannol P ar neu cyn 1 Medi 2025.

Diogelwch taprog: aelodau o gynllun pensiwn corff cyhoeddus presennol

20. Mae'r paragraff hwn yn gymwys—

(a) os oedd P yn aelod actif o gynllun presennol (ac eithrio Cynllun 1992 neu CPNDT) neu gynllun pensiwn corff cyhoeddus presennol ar y dyddiad cau ar gyfer y cynllun hwnnw;

(b) os oedd P yn aelod actif o gynllun presennol neu gynllun pensiwn corff cyhoeddus presennol ("cynllun trosiannol P") ar 31 Mawrth 2012;

(c) os yw P yn dechrau mewn gwasanaeth sy'n bensiynadwy o dan CPNDT, ddim mwy na phum mlynedd ar ôl gadael gwasanaeth pensiynadwy o dan gynllun pensiwn corff cyhoeddus presennol;

(d) os byddai P, ar y dyddiad y mae P yn dechrau mewn gwasanaeth sy'n bensiynadwy o dan CPNDT, wedi bod yn aelod a ddiogelid o'r cynllun pensiwn corff cyhoeddus presennol y cyfeirir ato yn is-baragraff (c) pe bai P wedi ailddechrau mewn gwasanaeth sy'n bensiynadwy o dan y cynllun hwnnw ar y dyddiad hwnnw; ac

(e) oni fydd farw, bydd P yn cyrraedd oedran pensiwn arferol—

(i) o dan CPNDT yn ystod y cyfnod sy'n dechrau gydag 2 Ebrill 2022 ac yn diweddu gyda 31 Mawrth 2026, a

(ii) o dan gynllun trosiannol P ar neu cyn 1 Medi 2025.

Aelodau diogelwch taprog o gynllun presennol neu gynllun pensiwn corff cyhoeddus presennol

21. Mae'r paragraff hwn yn gymwys—

(d) on the date that P begins service which is pensionable under the NFPS, P would have been a protected member of the existing scheme referred to in sub-paragraph (c) had P re-entered service which is pensionable under that scheme on that date; and

(e) P would, unless P dies, reach normal pension age—

(i) under the NFPS during the period beginning with 2 April 2022 and ending with 31 March 2026, and

(ii) under P's transitional scheme on or before 1 September 2025.

Tapered protection: members of an existing public body pension scheme

20. This paragraph applies if—

(a) P was an active member of an existing scheme (other than the 1992 Scheme or the NFPS) or an existing public body pension scheme on the closing date for that scheme;

(b) P was an active member of an existing scheme or an existing public body pension scheme ("P's transitional scheme") on 31 March 2012;

(c) P begins service which is pensionable under the NFPS not more than five years after leaving pensionable service under an existing public body pension scheme;

(d) on the date that P begins service which is pensionable under the NFPS, P would have been a protected member of the existing public body pension scheme referred to in sub-paragraph (c) had P re-entered service which is pensionable under that scheme on that date; and

(e) P would, unless P dies, reach normal pension age—

(i) under the NFPS during the period beginning with 2 April 2022 and ending with 31 March 2026, and

(ii) under P's transitional scheme on or before 1 September 2025.

Tapered protection members of an existing scheme or an existing public body pension scheme

21. This paragraph applies if—

(a) os byddai paragraff 13 neu 14 o'r Atodlen hon wedi bod yn gymwys oni bai am y ffaith na fyddai P wedi bod yn aelod a ddiogelid yn llawn o'r cynllun presennol neu'r cynllun pensiwn corff cyhoeddus presennol, y cyfeirir ato ym mharagraff 13(c) neu 14(c), yn ôl fel y digwydd, ("y cynllun sy'n trosglwyddo") ar y dyddiad y mae P yn dechrau mewn gwasanaeth sy'n bensiynadwy o dan CPNDT; a

(b) os byddai P wedi bod yn aelod a ddiogelid o'r cynllun sy'n trosglwyddo yn rhinwedd eithriad y mae adran 18(7)(a) a (b) o Ddeddf 2013 (neu'r adran honno fel y'i cymhwysir gan adran 31(4) o'r Ddeddf honno) yn gymwys iddo, pe bai P wedi ailddechrau mewn gwasanaeth sy'n bensiynadwy o dan y cynllun sy'n trosglwyddo ar y dyddiad y mae P yn dychwelyd i wasanaeth sy'n bensiynadwy o dan CPNDT.

(a) paragraph 13 or 14 of this Schedule would have applied but for the fact that P would not have been a fully protected member of the existing scheme or existing public body pension scheme referred to in paragraph 13(c) or 14(c), as the case may be, ("transferring scheme") on the date P begins service which is pensionable under the NFPS; and

(b) P would have been a protected member of the transferring scheme by virtue of an exception to which section 18(7)(a) and (b) of the 2013 Act (or that section as applied by section 31(4) of that Act) applies had P re-entered service which is pensionable under the transferring scheme on the date P returns to service which is pensionable under the NFPS.

RHAN 3

Cynllun 1992

Dyddiad geni o	*Dyddiad geni i*	*Dyddiad y daw diogelwch i ben*
02/04/1967	01/05/1967	31/03/2022
02/05/1967	01/06/1967	06/02/2022
02/06/1967	01/07/1967	14/12/2021
02/07/1967	01/08/1967	23/10/2021
02/08/1967	01/09/1967	29/08/2021
02/09/1967	01/10/1967	06/07/2021
02/10/1967	01/11/1967	15/05/2021
02/11/1967	01/12/1967	21/03/2021
02/12/1967	01/01/1968	28/01/2021
02/01/1968	01/02/1968	05/12/2020
02/02/1968	01/03/1968	11/10/2020
02/03/1968	01/04/1968	22/08/2020
02/04/1968	01/05/1968	28/06/2020
02/05/1968	01/06/1968	07/05/2020
02/06/1968	01/07/1968	14/03/2020
02/07/1968	01/08/1968	21/01/2020
02/08/1968	01/09/1968	28/11/2019
02/09/1968	01/10/1968	05/10/2019
02/10/1968	01/11/1968	13/08/2019
02/11/1968	01/12/1968	20/06/2019
02/12/1968	01/01/1969	28/04/2019
02/01/1969	01/02/1969	05/03/2019
02/02/1969	01/03/1969	10/01/2019
02/03/1969	01/04/1969	22/11/2018
02/04/1969	01/05/1969	29/09/2018
02/05/1969	01/06/1969	07/08/2018
02/06/1969	01/07/1969	14/06/2018
02/07/1969	01/08/1969	22/04/2018

PART 4

1992 Scheme

Date of birth from	*Date of birth to*	*Date of end of protection*
02/04/1967	01/05/1967	31/03/2022
02/05/1967	01/06/1967	06/02/2022
02/06/1967	01/07/1967	14/12/2021
02/07/1967	01/08/1967	23/10/2021
02/08/1967	01/09/1967	29/08/2021
02/09/1967	01/10/1967	06/07/2021
02/10/1967	01/11/1967	15/05/2021
02/11/1967	01/12/1967	21/03/2021
02/12/1967	01/01/1968	28/01/2021
02/01/1968	01/02/1968	05/12/2020
02/02/1968	01/03/1968	11/10/2020
02/03/1968	01/04/1968	22/08/2020
02/04/1968	01/05/1968	28/06/2020
02/05/1968	01/06/1968	07/05/2020
02/06/1968	01/07/1968	14/03/2020
02/07/1968	01/08/1968	21/01/2020
02/08/1968	01/09/1968	28/11/2019
02/09/1968	01/10/1968	05/10/2019
02/10/1968	01/11/1968	13/08/2019
02/11/1968	01/12/1968	20/06/2019
02/12/1968	01/01/1969	28/04/2019
02/01/1969	01/02/1969	05/03/2019
02/02/1969	01/03/1969	10/01/2019
02/03/1969	01/04/1969	22/11/2018
02/04/1969	01/05/1969	29/09/2018
02/05/1969	01/06/1969	07/08/2018
02/06/1969	01/07/1969	14/06/2018
02/07/1969	01/08/1969	22/04/2018

02/08/1969	01/09/1969	27/02/2018	02/08/1969	01/09/1969	27/02/2018
02/09/1969	01/10/1969	04/01/2018	02/09/1969	01/10/1969	04/01/2018
02/10/1969	01/11/1969	12/11/2017	02/10/1969	01/11/1969	12/11/2017
02/11/1969	01/12/1969	19/09/2017	02/11/1969	01/12/1969	19/09/2017
02/12/1969	01/01/1970	29/07/2017	02/12/1969	01/01/1970	29/07/2017
02/01/1970	01/02/1970	04/06/2017	02/01/1970	01/02/1970	04/06/2017
02/02/1970	01/03/1970	11/04/2017	02/02/1970	01/03/1970	11/04/2017
02/03/1970	01/04/1970	21/02/2017	02/03/1970	01/04/1970	21/02/2017
02/04/1970	01/05/1970	29/12/2016	02/04/1970	01/05/1970	29/12/2016
02/05/1970	01/06/1970	06/11/2016	02/05/1970	01/06/1970	06/11/2016
02/06/1970	01/07/1970	13/09/2016	02/06/1970	01/07/1970	13/09/2016
02/07/1970	01/08/1970	23/07/2016	02/07/1970	01/08/1970	23/07/2016
02/08/1970	01/09/1970	29/05/2016	02/08/1970	01/09/1970	29/05/2016
02/09/1970	01/10/1970	05/04/2016	02/09/1970	01/10/1970	05/04/2016
02/10/1970	01/11/1970	13/02/2016	02/10/1970	01/11/1970	13/02/2016
02/11/1970	01/12/1970	20/12/2015	02/11/1970	01/12/1970	20/12/2015
02/12/1970	01/01/1971	29/10/2015	02/12/1970	01/01/1971	29/10/2015
02/01/1971	01/02/1971	05/09/2015	02/01/1971	01/02/1971	05/09/2015
02/02/1971	01/03/1971	12/07/2015	02/02/1971	01/03/1971	12/07/2015
02/03/1971	01/04/1971	24/05/2015	02/03/1971	01/04/1971	24/05/2015

CPNDT

Dyddiad geni o	*Dyddiad geni i*	*Dyddiad y daw diogelwch i ben*
02/04/1962	01/05/1962	31/03/2022
02/05/1962	01/06/1962	06/02/2022
02/06/1962	01/07/1962	14/12/2021
02/07/1962	01/08/1962	23/10/2021
02/08/1962	01/09/1962	29/08/2021
02/09/1962	01/10/1962	06/07/2021
02/10/1962	01/11/1962	15/05/2021
02/11/1962	01/12/1962	21/03/2021
02/12/1962	01/01/1963	28/01/2021
02/01/1963	01/02/1963	05/12/2020
02/02/1963	01/03/1963	11/10/2020
02/03/1963	01/04/1963	23/08/2020
02/04/1963	01/05/1963	30/06/2020
02/05/1963	01/06/1963	09/05/2020
02/06/1963	01/07/1963	15/03/2020
02/07/1963	01/08/1963	23/01/2020
02/08/1963	01/09/1963	30/11/2019
02/09/1963	01/10/1963	06/10/2019
02/10/1963	01/11/1963	15/08/2019
02/11/1963	01/12/1963	22/06/2019
02/12/1963	01/01/1964	30/04/2019
02/01/1964	01/02/1964	07/03/2019
02/02/1964	01/03/1964	12/01/2019
02/03/1964	01/04/1964	22/11/2018
02/04/1964	01/05/1964	29/09/2018
02/05/1964	01/06/1964	07/08/2018
02/06/1964	01/07/1964	14/06/2018
02/07/1964	01/08/1964	22/04/2018

NFPS

Date of birth from	*Date of birth to*	*Date of end of protection*
02/04/1962	01/05/1962	31/03/2022
02/05/1962	01/06/1962	06/02/2022
02/06/1962	01/07/1962	14/12/2021
02/07/1962	01/08/1962	23/10/2021
02/08/1962	01/09/1962	29/08/2021
02/09/1962	01/10/1962	06/07/2021
02/10/1962	01/11/1962	15/05/2021
02/11/1962	01/12/1962	21/03/2021
02/12/1962	01/01/1963	28/01/2021
02/01/1963	01/02/1963	05/12/2020
02/02/1963	01/03/1963	11/10/2020
02/03/1963	01/04/1963	23/08/2020
02/04/1963	01/05/1963	30/06/2020
02/05/1963	01/06/1963	09/05/2020
02/06/1963	01/07/1963	15/03/2020
02/07/1963	01/08/1963	23/01/2020
02/08/1963	01/09/1963	30/11/2019
02/09/1963	01/10/1963	06/10/2019
02/10/1963	01/11/1963	15/08/2019
02/11/1963	01/12/1963	22/06/2019
02/12/1963	01/01/1964	30/04/2019
02/01/1964	01/02/1964	07/03/2019
02/02/1964	01/03/1964	12/01/2019
02/03/1964	01/04/1964	22/11/2018
02/04/1964	01/05/1964	29/09/2018
02/05/1964	01/06/1964	07/08/2018
02/06/1964	01/07/1964	14/06/2018
02/07/1964	01/08/1964	22/04/2018

02/08/1964	01/09/1964	27/02/2018	02/08/1964	01/09/1964	27/02/2018
02/09/1964	01/10/1964	04/01/2018	02/09/1964	01/10/1964	04/01/2018
02/10/1964	01/11/1964	12/11/2017	02/10/1964	01/11/1964	12/11/2017
02/11/1964	01/12/1964	19/09/2017	02/11/1964	01/12/1964	19/09/2017
02/12/1964	01/01/1965	29/07/2017	02/12/1964	01/01/1965	29/07/2017
02/01/1965	01/02/1965	04/06/2017	02/01/1965	01/02/1965	04/06/2017
02/02/1965	01/03/1965	11/04/2017	02/02/1965	01/03/1965	11/04/2017
02/03/1965	01/04/1965	21/02/2017	02/03/1965	01/04/1965	21/02/2017
02/04/1965	01/05/1965	29/12/2016	02/04/1965	01/05/1965	29/12/2016
02/05/1965	01/06/1965	06/11/2016	02/05/1965	01/06/1965	06/11/2016
02/06/1965	01/07/1965	13/09/2016	02/06/1965	01/07/1965	13/09/2016
02/07/1965	01/08/1965	23/07/2016	02/07/1965	01/08/1965	23/07/2016
02/08/1965	01/09/1965	29/05/2016	02/08/1965	01/09/1965	29/05/2016
02/09/1965	01/10/1965	05/04/2016	02/09/1965	01/10/1965	05/04/2016
02/10/1965	01/11/1965	13/02/2016	02/10/1965	01/11/1965	13/02/2016
02/11/1965	01/12/1965	20/12/2015	02/11/1965	01/12/1965	20/12/2015
02/12/1965	01/01/1966	29/10/2015	02/12/1965	01/01/1966	29/10/2015
02/01/1966	01/02/1966	05/09/2015	02/01/1966	01/02/1966	05/09/2015
02/02/1966	01/03/1966	12/07/2015	02/02/1966	01/03/1966	12/07/2015
02/03/1966	01/04/1966	24/05/2015	02/03/1966	01/04/1966	24/05/2015

©℗Hawlfraint y Goron 2015

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

© Crown copyright 2015

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