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OFFERYNNAU STATUDOL  
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WELSH STATUTORY  
INSTRUMENTS

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**2015 Rhif 1016 (Cy. 71)**

**2015 No. 1016 (W. 71)**

**PENSIYNAU  
GWASANAETHAU  
CYHOEDDUS, CYMRU**

**PUBLIC SERVICE PENSIONS,  
WALES**

Rheoliadau Cynllun Pensiwn y  
Diffoddwyr Tân (Cymru)  
(Darpariaethau Trosiannol a  
Chanlyniadol) 2015

The Firefighters' Pension Scheme  
(Wales) (Transitional and  
Consequential Provisions)  
Regulations 2015

**NODYN ESBONIADOL**

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

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Mae'r Rheoliadau hyn yn gwneud darpariaethau trosiannol ar gyfer aelod o Gynllun Pensiwn y Diffoddwyr Tân 1992 ("Cynllun 1992") ac aelod o Gynllun Pensiwn Newydd y Diffoddwyr Tân (CPNDT) nad oes modd iddynt bellach barhau'n aelodau actif o'r Cynlluniau hynny, o ganlyniad i'r darpariaethau trosiannol yn Atodlen 2 i Reoliadau Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2015 ("Rheoliadau 2015").

These Regulations make transitional provisions for a member of the Firefighters' Pension Scheme 1992 ("the 1992 Scheme") and a member of the New Firefighters' Pension Scheme (Wales) 2007 (NFPS) who are no longer able to remain active members of those Schemes following the transitional provisions in Schedule 2 to the Firefighters' Pension Scheme (Wales) Regulations 2015 ("the 2015 Regulations").

Mae'r diwygiadau i Atodlen 2 o Reoliadau 2015 yn darparu ar gyfer y buddion afiechyd a'r buddion goroesi mewn perthynas ag aelod actif o Gynllun Pensiwn y Diffoddwyr Tân (Cymru) 2015 a drinnir fel "aelod actif" o Gynllun 1992 ac CPNDT at y diben hwn. Mae'r diwygiadau yn gwneud darpariaeth ynghylch pa bryd y trinnir aelod o'r Cynlluniau hyn fel aelod "actif" a pha bryd y'i trinnir fel aelod gohiriedig. Gwneir diwygiadau canlyniadol at y dibenion hyn, yn CPNDT ac yng Nghynllun 1992.

The amendments to Schedule 2 to the 2015 Regulations provide for the ill-health benefits and survivorship benefits in relation to an active member of the Firefighters' Pension Scheme (Wales) 2015 who is treated as an "active member" of the 1992 Scheme and the NFPS for this purpose. The amendments provide when a member of these Schemes is treated as "active" and when treated as a deferred member. Consequential amendments are made for these purposes to the NFPS and the 1992 Scheme.

Mae'r diwygiadau i'r Atodlen hefyd yn gwneud diwygiadau canlyniadol mewn cysylltiad ag Atodlen 7 (cyswllt cyflog terfynol) i Ddeddf Pensiynau'r Gwasanaethau Cyhoeddus 2013. Gwneir diwygiadau pellach mewn cysylltiad â hyn yn y diffiniadau o "tâl pensiynadwy" a "tâl pensiynadwy terfynol" yn CPNDT ac yn y diffiniadau o "tâl pensiynadwy" a "tâl pensiynadwy cyfartalog" yng Nghynllun 1992.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau 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.

The amendments to the Schedule also make consequential amendments in connection with Schedule 7 (final salary link) to the Public Service Pensions Act 2013. Further amendments are made in connection with this to the definitions of "pensionable pay" and "final pensionable pay" in the NFPS and to the definitions of "pensionable pay" and "average pensionable pay" in the 1992 Scheme.

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 1016 (Cy. 71)**

**PENSIYNAU  
GWASANAETHAU  
CYHOEDDUS, CYMRU**

**Rheoliadau Cynllun Pensiwn y  
Diffoddwyr Tân (Cymru)  
(Darpariaethau Trosiannol a  
Chanlyniadol) 2015**

*Gwnaed* 31 Mawrth 2015

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 31 Mawrth 2015

*Yn dod i rym* 1 Ebrill 2015

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adrannau 1(1) a (2)(1), 2(1), 3(1), (2), (3)(a) ac (c), (6) a (7), 18(5) a (6) o Ddeddf Pensiynau'r Gwasanaethau Cyhoeddus 2013(2), a pharagraff 6(b) o Atodlen 2, Atodlen 3 a pharagraffau 1(2)(ii), 2(2)(ii) a 5(1) o Atodlen 7 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 Weiniogion Cymru y bydd y Rheoliadau hyn yn effeithio arnynt.

**Enwi a chychwyn**

**1.—(1)** Enw'r Rheoliadau hyn yw Rheoliadau Cynllun Pensiwn y Diffoddwyr Tân (Cymru) (Darpariaethau Trosiannol a Chanlyniadol) 2015.

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

**2015 No. 1016 (W. 71)**

**PUBLIC SERVICE PENSIONS,  
WALES**

**The Firefighters' Pension Scheme  
(Wales) (Transitional and  
Consequential Provisions)  
Regulations 2015**

*Made* 31 March 2015

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

*Coming into force* 1 April 2015

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 1(1) and (2)(1), 2(1), 3(1), (2), (3)(a) and (c), (6) and (7), 18(5) and (6) of, and paragraph 6(b) of Schedule 2, Schedule 3 and paragraphs 1(2)(ii), 2(2)(ii) and 5(1) of Schedule 7 to, the Public Service Pensions Act 2013(2).

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.

**Title and commencement**

**1.—(1)** The title of these Regulations is the Firefighters' Pension Scheme (Wales) (Transitional and Consequential Provisions) Regulations 2015.

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

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(1) Gweler hefyd adran 1(3) ac Atodlen 1.  
(2) 2013 p. 25.

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(1) See also section 1(3) and Schedule 1.  
(2) 2013 c. 25.

**Diwygio Rheoliadau Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2015**

2. Mae Rheoliadau Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2015(1) sy'n sefydlu Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2015 wedi eu diwygio yn unol ag Atodlen 1 i'r Rheoliadau hyn.

**Diwygio Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007**

3. Mae Atodlen 1 i Orchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007(2) (lle y mae Cynllun Pensiwn Newydd y Diffoddwyr Tân (Cymru) wedi ei nodi) wedi ei diwygio yn unol ag Atodlen 2 i'r Rheoliadau hyn.

**Diwygio Gorchymyn Cynllun Pensiwn y Dynion Tân 1992**

4. Mae Atodlen 2 i Orchymyn Cynllun Pensiwn y Dynion Tân 1992(3) (lle y mae Cynllun Pensiwn y Dynion Tân (Cymru) wedi ei nodi), fel y mae'n cael effaith yng Nghymru, wedi ei diwygio yn unol ag Atodlen 3 i'r Rheoliadau hyn.

**Amendment of the Firefighters' Pension Scheme (Wales) Regulations 2015**

2. The Firefighters' Pension Scheme (Wales) Regulations 2015(1) which establish the Firefighters' Pension Scheme (Wales) 2015 are amended in accordance with Schedule 1 to these Regulations.

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

3. Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007(2) (in which the New Firefighters' Pension Scheme (Wales) is set out) is amended in accordance with Schedule 2 to these Regulations.

**Amendment of the Firemen's Pension Scheme Order 1992**

4. Schedule 2 to the Firemen's Pension Scheme Order 1992(3) (in which is set out the Firefighters' Pension (Wales) Scheme), as it has effect in Wales, is amended in accordance with Schedule 3 to these Regulations.

*Leighton Andrews*

Y Gweinidog Gwasanaethau Cyhoeddus, un o Weinidogion Cymru  
31 Mawrth 2015

Minister for Public Services, one of the Welsh Ministers  
31 March 2015

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(1) O.S. 2015/622 (Cy. 50).  
(2) O.S. 2007/1072 (Cy. 110); Gwnaed diwygiadau i Atodlen 1 nad ydynt yn berthnasol i'r Rheoliadau hyn.  
(3) O.S. 1992/129. Gwnaed diwygiadau i Atodlen 2 nad ydynt yn berthnasol i'r Rheoliadau hyn. Newidiwyd enw'r cynllun i Gynllun Pensiwn y Dynion Tân (Cymru) gan O.S. 2004/2918 (Cy. 257). Yn rhinwedd O.S. 2007/1072 (Cy. 110), yn ddarostyngedig i rai arbedion, nid yw'r cynllun yn cael unrhyw effaith mewn perthynas ag unrhyw berson sy'n dechrau cyflogaeth gydag awdurdod tân ac achub yng Nghymru ar neu ar ôl 6 Ebrill 2006.

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(1) S.I. 2015/622 (W. 50).  
(2) S.I. 2007/1072 (W. 110); Schedule 1 is the subject of amendments not relevant to these Regulations.  
(3) S.I. 1992/129. Schedule 2 is the subject of amendments not relevant to these Regulations. The name of the scheme was changed to the Firefighters' Pension (Wales) Scheme by S.I. 2004/2918 (W. 257). By virtue of S.I. 2007/1072 (W. 110), subject to certain savings, the scheme has no effect in relation to any person who takes up employment with a Welsh fire and rescue authority on or after 6 April 2006.

# YR ATODLENNI

## ATODLEN 1 Rheoliad 2

### Diwygiadau i Reoliadau Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2015

1. Yn Rhan 1 (rhagarweiniol), yn rheoliad 3 (dehongli)—

(a) yn y manau priodol mewnosoder—

“mae i “aelod arbennig cysylltiedig o CPNDT” (“*connected special member of the NFPS*”) yr ystyr a roddir yn rheol 1D o Ran 2 o CPNDT;”;

“mae i “aelod cysylltiedig o CPNDT” (“*connected member of the NFPS*”) yr ystyr a roddir yn rheol 1C o Ran 2 o CPNDT;”;

“mae i “aelod gohiriedig o CPNDT” (“*deferred member of the NFPS*”) yr ystyr a roddir yn rheol 2(1) o Ran 1 o CPNDT;”;

“ystyr “aelod gohiriedig o Gynllun 1992” (“*deferred member of the 1992 Scheme*”) yw person sydd â'r hawl ganddo i bensiwn gohiriedig o dan reol B5 o Gynllun 1992;”;

“mae i “cyfnod dechreuol” (“*initial period*”) yr ystyr a roddir yn rheoliad 86 (ystyr “cyfnod dechreuol”);”;

“ystyr “gwasanaeth pensiynadwy yng Nghynllun 2015” (“*pensionable service in the 2015 Scheme*”) yw unrhyw wasanaeth pensiynadwy parhaus mewn perthynas â'r cyfrif aelod actif yn y cynllun hwn yr ychwanegwyd gwasanaeth pensiynadwy yng Nghynllun 1992 ato at ddibenion rheoliad 66 (gwasanaeth cymwys) o'r Rheoliadau hyn am y cyfnod tra bo paragraff (7) o reol A3 o Gynllun 1992 yn parhau'n gymwys i'r person hwnnw.”;

“mae i “pensiwn addasedig afiechyd haen isaf” (“*adjusted lower tier ill-health pension*”) yr ystyr a roddir yn rheoliad 75(4) (cyfradd flynyddol dyfarniadau afiechyd);”;

“ystyr “pensiwn parhaus” (“*continued pension*”) yw—

(a) mewn perthynas ag aelod o CPNDT, yr hawlogaeth i bensiwn o dan reol 1B o Ran 3 o CPNDT,

# SCHEDULES

## SCHEDULE 1 Regulation 2

### Amendments to the Firefighters' Pension Scheme (Wales) Regulations 2015

1. In Part 1 (preliminary), in regulation 3 (interpretation)—

(a) in the appropriate places insert—

““adjusted lower tier ill-health pension” (“*pensiwn addasedig afiechyd haen isaf*”) has the meaning given in regulation 75(4) (annual rate of ill-health awards);”;

““connected member of the NFPS” (“*aelod cysylltiedig o CPNDT*”) has the meaning given in rule 1C of Part 2 of the NFPS;”;

““connected special member of the NFPS” (“*aelod arbennig cysylltiedig o CPNDT*”) has the meaning given in rule 1D of Part 2 of the NFPS;”;

““continued pension” (“*pensiwn parhaus*”) means—

(a) in relation to a member of the NFPS, the entitlement to a pension under rule 1B of Part 3 of the NFPS,

(b) in relation to a member of the 1992 Scheme, the entitlement to a pension under rule B2A of the 1992 Scheme;”;

““deferred member of the 1992 Scheme” (“*aelod gohiriedig o Gynllun 1992*”) means a person who is entitled to a deferred pension under rule B5 of the 1992 Scheme;”;

““deferred member of the NFPS” (“*aelod gohiriedig o CPNDT*”) has the meaning given in rule 2(1) of Part 1 of the NFPS;”;

““equivalent amount to the 1992 Scheme lower tier ill-health pension” (“*swm cyfwerth â'r pensiwn afiechyd haen isaf Cynllun 1992*”) has the meaning given in regulation 74(5) (entitlement to lower tier ill-health pension and higher tier ill-health pension);”;

““equivalent amount to the NFPS lower tier ill-health pension” (“*swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT*”) has the meaning given in regulation 74(5)(a) (entitlement to lower tier ill-health pension and to higher tier ill-health pension);”;

(b) mewn perthynas ag aelod o Gynllun 1992, yr hawlogaeth i bensiwn o dan reol B2A o Gynllun 1992;”;

“mae i “swm cyfwerth â’r pensiwn afiechyd haen isaf CPNDT” (“*equivalent amount to the NFPS lower tier ill-health pension*”) yr ystyr a roddir yn rheoliad 74(5)(a) (hawlogaeth i bensiwn afiechyd haen isaf a phensiwn afiechyd haen uchaf);”;

“mae i “swm cyfwerth â’r pensiwn afiechyd haen isaf Cynllun 1992” (“*equivalent amount to the 1992 Scheme lower tier ill-health pension*”) yr ystyr a roddir yn rheoliad 74(5) (hawlogaeth i bensiwn afiechyd haen isaf a phensiwn afiechyd haen uchaf);”;

(b) yn y diffiniad o “pensiwn ymddeol”, ar ôl paragraff (b) mewnosoder—

“(c) dyfarniad afiechyd a thaliad o unrhyw swm cyfwerth â’r pensiwn afiechyd haen isaf Cynllun 1992 (os oes un) a thaliad o unrhyw swm cyfwerth â’r pensiwn afiechyd haen isaf CPNDT (os es un);”.

**2.** Yn Rhan 2 (llywodraethu), ar ddiwedd paragraff (2) o reoliad 4 (rheolwr cynllun) mewnosoder “mewn perthynas â phob un o gyfrifon pensiwn yr aelod”.

**3.** Yn Rhan 3 (aelodaeth o’r cynllun) ym Mhennod 1 (cymhwysra ar gyfer aelodaeth actif), yn rheoliad 15 (cyflogaeth gynllun), yn lle paragraff (3) rhodder—

“(3) Mae person sy’n aelod o Gynllun 1992 neu o CPNDT yn bodloni’r gofyniad yn y paragraff hwn.”

**4.** Yn Rhan 4 (cyfrifon pensiwn), ym Mhennod 8 (cyfrif ymddeol), yn rheoliad 60 (y cyfrif i bennu swm y pensiwn ymddeol (aelodau actif))—

(a) ar ôl paragraff (3) mewnosoder—

“(3A) Os oes gan yr aelod actif hawlogaeth i swm cyfwerth â’r pensiwn afiechyd haen isaf Cynllun 1992 neu swm cyfwerth â’r pensiwn afiechyd haen isaf CPNDT, rhaid i’r cyfrif ymddeol bennu’r swm hwnnw.”;

(b) ar ôl paragraff (4) mewnosoder—

“(4A) Ar gyfer swm cyfwerth â’r pensiwn afiechyd haen isaf Cynllun 1992 neu swm cyfwerth â’r pensiwn afiechyd haen isaf CPNDT, rhaid i’r cyfrif ymddeol bennu swm unrhyw gymudiad.”

““initial period” (“*cyfnod dechreuol*”) has the meaning given in regulation 86 (meaning of “initial period”);”;

““pensionable service in the 2015 Scheme” (“*gwasanaeth pensiynadwy yng Nghynllun 2015*”) means any continuous pensionable service in relation to the active member’s account in this scheme to which pensionable service in the 1992 Scheme was added for the purposes of regulation 66 (qualifying service) of these Regulations for the period whilst paragraph (7) of rule A3 of the 1992 Scheme continues to apply to that person;”;

(b) in the definition of “retirement pension”, after paragraph (b) insert—

“(c) an ill-health award and the payment of any equivalent amount to the 1992 Scheme lower tier ill-health pension (if any) and the payment of any equivalent amount to the NFPS lower tier ill-health pension (if any);”.

**2.** In Part 2 (governance), at the end of paragraph (2) of regulation 4 (scheme manager) insert “in relation to each of the member’s pension accounts”.

**3.** In Part 3 (scheme membership) in Chapter 1 (eligibility for active membership), in regulation 15 (scheme employment), for paragraph (3) substitute—

“(3) A person who is a member of the 1992 Scheme or the NFPS satisfies the requirement in this paragraph.”

**4.** In Part 4 (pension accounts), in Chapter 8 (retirement account), in regulation 60 (account to specify amount of retirement pension (active members))—

(a) after paragraph (3) insert—

“(3A) Where the active member is entitled to an equivalent amount to the 1992 Scheme lower tier ill-health pension or to an equivalent amount to the NFPS lower tier ill-health pension, the retirement account must specify that amount.”;

(b) after paragraph (4) insert—

“(4A) For an equivalent amount to the 1992 Scheme lower tier ill-health pension or an equivalent amount to the NFPS lower tier ill-health pension, the retirement account must specify any commutation amount.”

5. Yn Rhan 5 (buddion ymddeol), ym Mhennod 2—

- (a) yn rheoliad 68 (cyfradd flynyddol pensiwn ymddeol (aelodau actif))—
- (i) ym mharagraff (2), yn lle “is-baragraffau (a), (b) ac (c)” rhodder “is-baragraffau (a), (b), (ba) ac (c)”;
- (ii) ar ôl paragraff (2)(b) mewnosoder—
- “(ba) y cyfanswm canlynol—
- (i) y swm cyfwerth â’r pensiwn afiechyd haen isaf CPNDT (os es un) neu’r swm cyfwerth â’r pensiwn afiechyd haen isaf Cynllun 1992 (os oes un) a bennir yng nghyfrif ymddeol yr aelod,
- (ii) ar ôl didynnu swm y cymudiad (os oes un), a bennir yn y cyfrif hwnnw mewn perthynas â’r swm hwnnw; ac”;
- (b) yn rheoliad 71 (ymddeoliad a ysgogir gan gyflogwr), ar ôl paragraff (2) mewnosoder—
- “(3) Pan fo cyflogwr yn ystyried gwneud y penderfyniad ym mharagraff (2) mewn cysylltiad ag aelod actif sy’n aelod cysylltiedig o CPNDT, neu’n aelod arbennig cysylltiedig o CPNDT, mewn perthynas â chyfrif pensiwn yr aelod actif hwnnw, rhaid i’r cyflogwr ystyried hefyd wneud penderfyniad o dan reol 6 (pensiwn yn sgil ymddeoliad cynnar ar archiad yr awdurdod) o Ran 3 o’r CPNDT.”;
- (c) yn rheoliad 74 (hawlogaeth i bensiwn afiechyd haen isaf a phensiwn afiechyd haen uchaf), ar ôl paragraff (3) mewnosoder—
- “(4) Pan fo hawl gan aelod actif (A) i gael pensiwn afiechyd haen isaf, a pharagraff 22 (aelod trosiannol nad yw wedi cyrraedd oedran pensiwn arferol o dan CPNDT) neu baragraff 24 (aelod trosiannol nad yw wedi cyrraedd oedran pensiwn arferol o dan Gynllun 1992) o Atodlen 2 i’r Rheoliadau hyn yn gymwys mewn perthynas ag A—
- (a) os paragraff 22 sy’n gymwys mewn perthynas ag A, mae gan A hawlogaeth hefyd i swm cyfwerth â swm blynyddol y pensiwn afiechyd haen isaf a fyddai’n daladwy i’r aelod o dan CPNDT, pe bai hawl gan yr aelod i gael taliad o bensiwn afiechyd haen isaf o dan reol 2(2) o CPNDT;

5. In Part 5 (retirement benefits), in Chapter 2—

- (a) in regulation 68 (annual rate of retirement pension (active members))—
- (i) in paragraph (2), for “sub-paragraphs (a), (b) and (c)” substitute “sub-paragraphs (a), (b), (ba) and (c)”;
- (ii) after paragraph (2)(b) insert—
- “(ba) the sum of —
- (i) the equivalent amount to the NFPS lower tier ill-health pension (if any) or the equivalent amount to the 1992 Scheme lower tier ill-health pension (if any) specified in the member’s retirement account,
- (ii) subtracting the commutation amount (if any) specified in that account in relation to that amount; and”;
- (b) in regulation 71 (employer initiated retirement), after paragraph (2) insert—
- “(3) Where an employer is considering making the determination in paragraph (2) in respect of an active member who is a connected member of the NFPS, or a connected special member of the NFPS, in relation to that active member’s pension account, the employer must also consider making a determination under rule 6 (pension on authority initiated early retirement) of Part 3 of the NFPS.”;
- (c) in regulation 74 (entitlement to lower tier ill-health pension and to higher tier ill-health pension), after paragraph (3) insert—
- “(4) Where an active member (A) is entitled to a lower tier ill-health pension and paragraph 22 (transition member who has not reached normal pension age under the NFPS) or paragraph 24 (transition member who has not reached normal pension age under the 1992 Scheme) of Schedule 2 to these Regulations applies in relation to A—
- (a) if paragraph 22 applies in relation to A, A is also entitled to an amount equivalent to the annual amount of a lower tier ill-health pension that would, if the member were entitled to payment of a lower tier ill-health pension under rule 2(2) of the NFPS, be payable to the member under the NFPS;

- (b) os paragraff 24 sy'n gymwys mewn perthynas ag A, mae gan A hawlogaeth hefyd i swm cyfwerth â swm blynyddol y pensiwn afiechyd haen isaf a fyddai'n daladwy i'r aelod o dan Gynllun 1992, pe bai hawl gan yr aelod i gael taliad o bensiwn afiechyd haen isaf o dan reol B3 (dyfarniadau afiechyd) o Gynllun 1992.
- (5) Yn y Rheoliadau hyn—
- (a) cyfeirir at y swm cyfwerth â swm blynyddol pensiwn afiechyd haen isaf yn is-baragraff (a) o baragraff (4) fel y “swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT” (“*equivalent amount to the NFPS lower tier ill-health pension*”);
- (b) cyfeirir at y swm cyfwerth â swm blynyddol pensiwn afiechyd haen isaf yn is-baragraff (b) o baragraff (4) fel y “swm cyfwerth â'r pensiwn afiechyd haen isaf Cynllun 1992” (“*equivalent amount to the 1992 Scheme lower tier ill-health pension*”).”;
- (d) yn rheoliad 75 (cyfradd flynyddol dyfarniadau afiechyd)—
- (i) ar ôl paragraff (3) mewnosoder—
- “(3A) Yn achos aelod sydd â hawl i swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT neu i swm cyfwerth â'r pensiwn afiechyd haen isaf Cynllun 1992, mae'r pensiwn addasedig afiechyd haen isaf yn cynnwys y swm cyfwerth addasedig.”;
- (ii) ym mharagraff (4), yn y man priodol mewnosoder—
- ““ystyr “y swm cyfwerth addasedig” (“*the adjusted equivalent amount*”) yw—
- (a) yn achos aelod sydd â hawl i swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT, y swm hwnnw a gyfrifir—
- (i) gan hepgor o'r cyfrifiad swm unrhyw gyfnod ychwanegol o wasanaeth a brynwyd o dan Ran 11 o CPNDT, a
- (ii) heb ddiwynnu unrhyw gyfran a gymudwyd; a
- (b) if paragraph 24 applies in relation to A, A is also entitled to an amount equivalent to the annual amount of a lower tier ill-health pension that would, if the member were entitled to payment of a lower tier ill-health pension under rule B3 (ill-health awards) of the 1992 Scheme, be payable to the member under the 1992 Scheme.
- (5) In these Regulations—
- (a) the amount equivalent to the annual amount of a lower tier ill-health pension in sub-paragraph (a) of paragraph (4) is referred to as the “equivalent amount to the NFPS lower tier ill-health pension” (“*swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT*”);
- (b) the amount equivalent to the annual amount of a lower tier ill-health pension in sub-paragraph (b) of paragraph (4) is referred to as the “equivalent amount to the 1992 Scheme lower tier ill-health pension” (“*swm cyfwerth â'r pensiwn afiechyd haen isaf Cynllun 1992*”).”;
- (d) in regulation 75 (annual rate of ill-health awards)—
- (i) after paragraph (3) insert—
- “(3A) In the case of a member who is entitled to an equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the 1992 Scheme lower tier ill-health pension, the adjusted lower tier ill-health pension includes the adjusted equivalent amount.”;
- (ii) in paragraph (4), at the appropriate place insert—
- ““the adjusted equivalent amount” (“*y swm cyfwerth addasedig*”) means—
- (a) in the case of a member who is entitled to an equivalent amount to the NFPS lower tier ill-health pension, that amount calculated—
- (i) excluding from the calculation the amount of any additional period of service purchased under Part 11 of the NFPS, and
- (ii) without the deduction of any commuted portion; and



- (b) yn achos aelod sydd â hawl i swm cyfwerth â'r pensiwn afiechyd haen isaf Cynllun 1992, y swm hwnnw a gyfrifir heb ddiwyddu unrhyw gyfran a gymudwyd;"
- (e) yn rheoliad 78 (canlyniadau adolygu), ar ôl paragraff (6) mewnosoder—
- “(6A) Os oes gan I hawl i swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT neu i swm cyfwerth â'r pensiwn afiechyd haen isaf Cynllun 1992, mae paragraffau (3) a (5) yn gymwys fel pe bai'r cyfeiriad at “pensiwn afiechyd haen isaf” yn cynnwys swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT neu swm cyfwerth â'r pensiwn afiechyd haen isaf Cynllun 1992, yn ôl fel y digwydd.”;
- (f) ar ôl rheoliad 80 (opsiwn i gymudo rhan o'r pensiwn) mewnosoder—

#### “Opsiwn i gymudo rhan o swm gyfwerth

**80A.**—(1) Caiff aelod sy'n cael yr hawl i daliad ar unwaith o swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT neu i swm cyfwerth â'r pensiwn afiechyd haen isaf Cynllun 1992 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 swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT neu swm cyfwerth â'r pensiwn afiechyd haen isaf Cynllun 1992.
- (3) Pan fo hawl gan y person i gael taliad ar unwaith o swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT ac yntau'n arfer yr opsiwn i gymudo o dan y rheoliad hwn, cyfrifir y cyfandaliad—
- (a) yn achos person sy'n aelod cysylltiedig o CPNDT, yn unol â pharagraffau (2) a (4) o reol 9 (cymudo: cyffredinol) o Ran 3 o CPNDT, ac
- (b) yn achos person sy'n aelod arbennig cysylltiedig o CPNDT, yn unol â pharagraffau (2A), (4) a (4A) o reol 9 o Ran 3 o'r cynllun hwnnw.”

- (b) in the case of a member who is entitled to the equivalent amount to the 1992 Scheme lower tier ill-health pension, that amount calculated without the deduction of any commuted portion;"
- (e) in regulation 78 (consequences of review), after paragraph (6) insert—
- “(6A) Where L is entitled to an equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the 1992 Scheme lower tier ill-health pension, paragraphs (3) and (5) apply as if the reference to “lower tier ill-health pension” included an equivalent amount to the NFPS lower tier ill-health pension or an equivalent amount to the 1992 Scheme lower tier ill-health pension, as the case may be.”;
- (f) after regulation 80 (option to commute part of pension) insert—

#### “Option to commute part of an equivalent amount

**80A.**—(1) A member who becomes entitled to the immediate payment of an equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the 1992 Scheme lower tier ill-health 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 equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the 1992 Scheme lower tier ill-health pension is made.
- (3) Where the person is entitled to the immediate payment of an equivalent amount to the NFPS lower tier ill-health pension and exercises the option to commute under this regulation, the lump sum is calculated—
- (a) in the case of a person who is a connected member of the NFPS, in accordance with paragraphs (2) and (4) of rule 9 (commutation: general) of Part 3 of the NFPS, and
- (b) in the case of a person who is a connected special member of the NFPS, in accordance with paragraphs (2A), (4) and (4A) of rule 9 of Part 3 of that scheme.”

6. Yn Rhan 6 (buddion marwolaeth)—

(a) ym Mhennod 1 (dehongli), yn rheoliad 86 (ystyr “cyfnod dechreuol”), yn lle “At ddibenion y Rhan hon” rhodder “At ddibenion y Rheoliadau hyn”;

(b) ym Mhennod 2 (pensiynau ar gyfer partneriaid sy’n goroesi)—

(i) ym mharagraff (3) o reoliad 87 (pensiwn sy’n daladwy i bartner sy’n goroesi, ar farwolaeth aelod actif) yn lle “Yn ddarostyngedig i reoliad 91 (lleihau pensiynau mewn achosion o wahaniaeth oedran eang)” rhodder “Yn ddarostyngedig i baragraff (4) a rheoliad 91 (lleihau pensiynau mewn achosion o wahaniaeth oedran eang)”;

(ii) ar ôl paragraff (3) o reoliad 87 mewnosoder—

“(4) Os oedd yr aelod y cyfeirir ato ym mharagraff (1) yn aelod trosiannol a chanddo fudd pensiwn ychwanegol o dan reol 7A neu 7B o CPNDT neu fudd pensiwn ychwanegol o dan reol B5B neu B5C o Gynllun 1992, ychwanegir hanner y swm o fudd pensiwn ychwanegol at swm cyfradd flynyddol pensiwn y partner sy’n goroesi, y cyfeirir ato ym mharagraff (3).”;

(iii) ar ddechrau paragraff (2) o reoliad 95 (pensiwn plentyn cymwys ar farwolaeth aelod actif) mewnosoder “Yn ddarostyngedig i baragraff (3)”, ac ar ôl y paragraff hwnnw mewnosoder—

“(3) Os oedd yr aelod y cyfeirir ato ym mharagraff (1) yn aelod trosiannol a chanddo fudd pensiwn ychwanegol o dan reol 7A neu 7B o CPNDT neu fudd pensiwn ychwanegol o dan reol B5B neu B5C o Gynllun 1992, ychwanegir swm y budd pensiwn ychwanegol at y pensiwn afiechyd haen uchaf y cyfeirir ato ym mharagraff (2).”;

(c) ym Mhennod 4 (cyfandaliadau o fuddion marwolaeth), ar ôl paragraff (4) yn rheoliad 102 (ystyr “tâl terfynol”) mewnosoder—

“(5) Os yw’r aelod y cyfeirir ato ym mharagraff (1) yn aelod trosiannol a oedd mewn gwasanaeth pensiynadwy o dan Gynllun 1992 neu CPNDT, yn ôl fel y digwydd, yn ystod y cyfnod y cyfeirir ato ym mharagraff (1)(a) neu (1)(b), a gwasanaeth o’r cynllun hwnnw wedi ei gynnwys yn y gwasanaeth cymwys ar gyfer y cyfrif pensiwn y telir y cyfandaliad o fudd marwolaeth mewn cysylltiad ag ef—

6. In Part 6 (death benefits)—

(a) in Chapter 1 (interpretation), in regulation 86 (meaning of “initial period”), for “For the purposes of this Part” substitute “For the purposes of these Regulations”;

(b) in Chapter 2 (pensions for surviving partners)—

(i) in paragraph (3) of regulation 87 (surviving partner’s pension payable on death of active member) for “Subject to regulation 91 (reduction in pensions in cases of wide age disparity)” substitute “Subject to paragraph (4) and regulation 91 (reduction of pensions in cases of wide age disparity)”;

(ii) after paragraph (3) of regulation 87 insert—

“(4) Where the member referred to in paragraph (1) was a transition member who had additional pension benefit under rule 7A or 7B of Part 3 of the NFPS or additional pension benefit under rule B5B or B5C of the 1992 Scheme, half the amount of additional pension benefit is added to the amount of the annual rate of the surviving partner’s pension referred to in paragraph (3).”;

(iii) at the beginning of paragraph (2) of regulation 95 (eligible child’s pension on death of active member) insert “Subject to paragraph (3)”, and after that paragraph insert—

“(3) Where the member referred to in paragraph (1) was a transition member who had additional pension benefit under rule 7A or 7B of Part 3 of the NFPS or additional pension benefit under rule B5B or B5C of the 1992 Scheme, the amount of the additional pension benefit is added to the amount of the higher tier ill-health pension referred to in paragraph (2).”;

(c) in Chapter 4 (lump sum death benefits), after paragraph (4) in regulation 102 (meaning of “final pay”) insert—

“(5) Where the member referred to in paragraph (1) is a transition member and was in pensionable service under the 1992 Scheme or the NFPS, as the case may be, during the period referred to in paragraph (1)(a) or (1)(b) and service from that scheme is included in the qualifying service for the pension account in respect of which the lump sum death benefit is paid—

- (a) mae tâl pensiynadwy ym mharagraff (1)(a) neu (1)(b) yn cynnwys tâl pensiynadwy cyfartalog, a ddehonglir yn unol â rheol G1 os oedd y person yn aelod o Gynllun 1992, neu dâl pensiynadwy o dan reol 1 neu reol 2 o Ran 11 o CPNDT os oedd y person yn aelod-ddiffoddwr tân neu'n aelod-ddiffoddwr tân arbennig o CPNDT, a
- (b) mae gwasanaeth pensiynadwy yn cynnwys gwasanaeth pensiynadwy a ddehonglir yn unol â rheol F1 os oedd y person yn aelod o Gynllun 1992 neu wasanaeth pensiynadwy a ddehonglir yn unol â rheolau 2 i 5 o Ran 10 o CPNDT.”;
- (d) ar ôl paragraff (3) o reoliad 105 (cyfandaliad sy'n daladwy ar farwolaeth aelod actif) mewnosoder—

“(4) Os oedd cyfrif yr aelod actif y telir y cyfandaliad o fudd marwolaeth mewn cysylltiad ag ef yn cynnwys gwasanaeth pensiynadwy sy'n gyfrifadwy fel gwasanaeth cymwys o dan reol F1 o Gynllun 1992 ac arian rhodd i berthynas dibynnol wedi ei dalu o dan reol E3 o Gynllun 1992, neu daliad o falans cyfraniadau i'r ystad wedi ei dalu o dan reol E4 o Gynllun 1992, rhaid didynnu'r symiau hynny o swm y cyfandaliad budd marwolaeth sy'n daladwy o dan y rheoliad hwn.”

7. Mae Atodlen 2 (darpariaethau trosiannol) wedi ei diwygio fel a ganlyn—

- (a) yn Rhan 1, ym mharagraff 3(2) yn lle “Yn ddarostyngedig i is-baragraff (3)” rhodder “Yn ddarostyngedig i is-baragraffau (3) a (4)” ac ar ôl is-baragraff (3) mewnosoder—  
“(4) yn achos aelod diogelwch taprog o CPNDT sy'n aelod arbennig o CPNDT, canfyddir y dyddiad cau diogelwch taprog 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.”;
- (b) yn Rhan 2, ym mharagraff 9, ar ôl is-baragraff (2) mewnosoder—  
“(2A) Os oedd P yn aelod diogelwch llawn o Gynllun 1992 ac ar ôl ymddeol o wasanaeth pensiynadwy yn y cynllun hwn, yn cael yr hawl i bensiwn gwasanaeth parhaus o dan reol B1A, pensiwn cyffredin o dan reol B1, dyfarniad gwasanaeth byr o dan reol B2 neu bensiwn parhaus o dan reol B2A o'r cynllun hwnnw, mae P yn peidio â bod yn gymwys i fod yn aelod diogelwch llawn o CPNDT.”;

- (a) pensionable pay in paragraph (1)(a) or (1)(b) includes average pensionable pay construed in accordance with rule G1 where the person was a member of the 1992 Scheme or pensionable pay under rule 1 or rule 2 of Part 11 of the NFPS where the person was a firefighter or special firefighter member of the NFPS, and
- (b) pensionable service includes pensionable service construed in accordance with rule F1 where the person was a member of the 1992 Scheme or pensionable service construed in accordance with rules 2 to 5 of Part 10 of the NFPS.”;
- (d) after paragraph (3) of regulation 105 (lump sum payable on death of active member) insert—

“(4) Where the active member's account in respect of which the lump sum death benefit will be paid included pensionable service reckonable under rule F1 of the 1992 Scheme as qualifying service and a dependent relative's gratuity has been paid under rule E3 of the 1992 Scheme or the payment of the balance of contributions to estate has been paid under rule E4 of the 1992 Scheme, those amounts must be deducted from the amount of lump sum death benefit payable under this regulation.”

7. Schedule 2 (transitional provisions) is amended as follows—

- (a) in Part 1, in paragraph 3(2) for “Subject to sub-paragraph (3)” substitute “Subject to sub-paragraphs (3) and (4)” and after sub-paragraph (3) insert—  
“(4) In the case of a tapered protection member of the NFPS who is a special member of the NFPS, the tapered protection closing date 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.”;
- (b) in Part 2, in paragraph 9, after sub-paragraph (2) insert—  
(2A) Where P was a full protection member of the 1992 Scheme and, after retiring from pensionable service in this scheme, became entitled to a continuous service pension under rule B1A, to an ordinary pension under rule B1, to a short service award under rule B2 or to a continued pension under rule B2A of that scheme, P ceases to be eligible to be a full protection member of the NFPS.”;

- (c) yn Rhan 3, ym mharagraff 15, ar ôl isbaragraff (1) mewnosoder—

“(1A) Os oedd P yn aelod diogelwch llawn o Gynllun 1992 ac ar ôl ymddeol o wasanaeth pensiynadwy yn y cynllun hwn, yn cael yr hawl i bensiwn gwasanaeth parhaus o dan reol B1A, pensiwn cyffredin o dan reol B1, dyfarniad gwasanaeth byr o dan reol B2 neu bensiwn parhaus o dan reol B2A o’r cynllun hwnnw, mae P yn peidio â bod yn gymwys i fod yn aelod diogelwch taprog o CPNDT.”;

- (d) ar ôl Rhan 3 mewnosoder—

### RHAN 3A

#### Talu buddion afiechyd i aelodau trosiannol

##### **Aelod trosiannol nad yw wedi cyrraedd oedran pensiwn arferol o dan CPNDT**

**22.**—(1) Mae’r paragraff hwn yn gymwys mewn perthynas ag aelod trosiannol sydd â pharhad gwasanaeth ac—

- (a) sy’n aelod cysylltiedig o CPNDT neu’n aelod arbennig cysylltiedig o CPNDT;
- (b) sy’n cael yr hawl i ddyfarniad afiechyd o dan y cynllun hwn mewn perthynas â chyflogaeth gynllun berthnasol; ac
- (c) nad yw wedi cyrraedd oedran pensiwn arferol o dan CPNDT.

(2) Os yw’r paragraff hwn yn gymwys—

- (a) nid oes na phensiwn afiechyd haen isaf na phensiwn afiechyd haen uchaf yn daladwy o dan reol 2 (dyfarniad yn sgil ymddeol oherwydd afiechyd) o CPNDT; a
- (b) mae dyfarniad afiechyd yn daladwy o dan y cynllun hwn yn unol â’r paragraff hwn.

(3) Os yw’r aelod yn bodloni’r amodau ar gyfer pensiwn afiechyd haen isaf yn unig o dan y cynllun hwn, y gyfradd flynyddol o bensiwn afiechyd haen isaf sy’n daladwy o dan y cynllun hwn yw cyfanswm y canlynol—

- (a) y gyfradd flynyddol o bensiwn afiechyd haen isaf sy’n daladwy o dan y cynllun hwn; a
- (b) swm sy’n daladwy o dan reoliad 74 (hawlogaeth i bensiwn afiechyd haen isaf a phensiwn afiechyd haen uchaf).

- (c) in Part 3, in paragraph 15, after subparagraph (1) insert—

“(1A) Where P was a full protection member of the 1992 Scheme and, after retiring from pensionable service in this scheme, became entitled to a continuous service pension under rule B1A, to an ordinary pension under rule B1, to a short service award under rule B2 or to a continued pension under rule B2A of that scheme, P ceases to be eligible to be a tapered protection member of the NFPS.”;

- (d) after Part 3 insert—

### “PART 3A

#### Payment of ill-health benefits to transition members

##### **Transition member who has not reached normal pension age under the NFPS**

**22.**—(1) This paragraph applies in relation to a transition member with continuity of service who—

- (a) is a connected member of the NFPS or a connected special member of the NFPS;
- (b) becomes entitled to an ill-health award under this scheme in relation to relevant scheme employment; and
- (c) has not reached normal pension age under the NFPS.

(2) If this paragraph applies—

- (a) neither a lower tier ill-health pension nor a higher tier ill-health pension is payable under rule 2 (awards on ill-health retirement) of the NFPS; and
- (b) an ill-health award is payable under this scheme in accordance with this paragraph.

(3) If the member meets the conditions only for a lower tier ill-health pension under this scheme, the annual rate of a lower tier ill-health pension payable under this scheme is the sum of—

- (a) the annual rate of a lower tier ill-health pension payable under this scheme; and
- (b) an amount payable under regulation 74 (entitlement to lower tier ill-health pension and to higher tier ill-health pension).

(4) Pan fo'r aelod yn bodloni'r amodau ar gyfer pensiwn afiechyd haen uchaf o dan y cynllun hwn, mae'r pensiwn addasedig afiechyd haen isaf yn rheoliad 75(4) (cyfradd flynyddol dyfarniadau afiechyd) yn cynnwys y swm yn is-baragraff (3)(b) at ddibenion cyfrifo cyfradd flynyddol y pensiwn afiechyd haen uchaf.

(5) Wedi i ddyfarniad afiechyd ddod yn daladwy o dan y cynllun hwn, os gwneir taliad gwerth trosglwyddo o dan Bennod 2 (trosglwyddiadau allan o'r Cynllun) o Ran 12 (trosglwyddiadau i mewn ac allan o'r Cynllun) o CPNDT mewn cysylltiad â hawliau'r aelod o dan y Cynllun hwnnw, a'r trosglwyddiad yn ymwneud â chyfnod o wasanaeth a gynhwysir fel gwasanaeth cymwys mewn perthynas â chyfrif ymddeol yr aelod, rhaid i'r rheolwr cynllun ddidynnu o'r dyfarniad afiechyd y swm mewn cysylltiad â gwasanaeth yn CPNDT sy'n hafal i'r gwerth a gynrychiolir gan y taliad gwerth trosglwyddo hwnnw.

(6) Yn y paragraff hwn—

ystyr “cyflogaeth gynllun berthnasol” (“*relevant scheme employment*”) yw'r cyfnod parhaus o wasanaeth pensiynadwy mewn cyflogaeth gynllun mewn perthynas â'r cyfrif aelod actif yr ychwanegwyd ato'r gwasanaeth cymwys ar gyfer yr aelod cysylltiedig hwnnw o CPNDT neu'r aelod arbennig cysylltiedig hwnnw o'r CPNDT at ddibenion rheoliad 66 (gwasanaeth cymwys).

#### **Aelod trosiannol sy'n cyrraedd oedran pensiwn arferol o dan CPNDT**

**23.**—(1) Mae'r paragraff hwn yn gymwys mewn perthynas ag aelod trosiannol sydd â pharhad gwasanaeth ac sy'n cael taliad o ddyfarniad afiechyd yn unol â pharagraff 22.

(2) Pan fo'r aelod yn cyrraedd oedran pensiwn arferol o dan CPNDT—

(a) mae'r swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT a bennir o dan reoliad 68(2)(ba) (cyfradd flynyddol pensiwn ymddeol (aelodau actif)) yn peidio â bod yn daladwy o dan y cynllun hwn; a

(4) Where the member meets the conditions for a higher tier ill-health pension under this scheme, the adjusted lower tier ill-health pension in regulation 75(4) (annual rate of ill-health awards) includes the amount in subparagraph (3)(b) for the purposes of the calculation of the annual rate of the higher tier ill-health pension.

(5) If, after an ill-health award becomes payable under this scheme, a transfer value payment is made under Chapter 2 (transfers out of the Scheme) of Part 12 (transfers into and out of the Scheme) of the NFPS in respect of the member's rights under that Scheme and the transfer relates to a period of service included as qualifying service in relation to the member's retirement account, the scheme manager must deduct from the ill-health award the amount in respect of service in the NFPS which is equal to the value represented by that transfer value payment.

(6) In this paragraph—

“relevant scheme employment” (“*cyflogaeth gynllun berthnasol*”) means the continuous period of pensionable service in scheme employment in relation to the active member's account to which the qualifying service for that connected member of the NFPS, or connected special member of the NFPS, was added for the purposes of regulation 66 (qualifying service).

#### **Transition member who reaches normal pension age under the NFPS**

**23.**—(1) This paragraph applies in relation to a transition member with continuity of service who is receiving payment of an ill-health award in accordance with paragraph 22.

(2) When the member reaches normal pension age under the NFPS—

(a) the equivalent amount to the NFPS lower tier ill-health pension specified under regulation 68(2)(ba) (annual rate of retirement pension (active members)) ceases to be payable under this scheme; and

- (b) mae'r aelod yn cael yr hawl o dan CPNDT i daliad ar unwaith o bensiwn parhaus, sydd â'i swm yn hafal i gyfradd flynyddol y swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT a oedd yn daladwy yn union cyn y dyddiad y cyrhaeddodd yr aelod oedran pensiwn arferol.

**Aelod trosiannol nad yw wedi cyrraedd oedran pensiwn arferol o dan Gynllun 1992**

**24.—**(1) Mae'r paragraff hwn yn gymwys mewn perthynas ag aelod trosiannol—

- (a) a oedd mewn gwasanaeth pensiynadwy yng Nghynllun 1992 tan y diwrnod cyn y dyddiad trosiant; a
- (b) sydd wedi parhau mewn gwasanaeth pensiynadwy mewn cyflogaeth gynllun berthnasol, neu sydd wedi ei drin fel aelod actif o'r cynllun hwn mewn perthynas â'r gyflogaeth honno, hyd nes i'r aelod hwnnw gael yr hawl i ddyfarniad afiechyd o dan y cynllun hwn; ac
- (c) nad yw wedi cyrraedd oedran pensiwn arferol o dan Gynllun 1992 nac ychwaith yr oedran pan fodlonir amodau rheol B1 (pensiwn cyffredin) fel y'i haddaswyd gan reol B1A (pensiwn gwasanaeth parhaus) o'r cynllun hwnnw.

(2) Os yw'r paragraff hwn yn gymwys—

- (a) nid oes pensiwn afiechyd haen isaf na phensiwn afiechyd haen uchaf yn daladwy o dan reol B3 (dyfarniadau afiechyd) o Gynllun 1992; a
- (b) mae dyfarniad afiechyd yn daladwy o dan y cynllun hwn.

(3) Os yw'r aelod yn bodloni'r amodau ar gyfer pensiwn afiechyd haen isaf yn unig o dan y cynllun hwn, y gyfradd flynyddol o bensiwn afiechyd haen isaf sy'n daladwy o dan y cynllun hwn yw cyfanswm y canlynol—

- (a) y gyfradd flynyddol o bensiwn afiechyd haen isaf sy'n daladwy o dan y cynllun hwn; a
- (b) swm sy'n daladwy o dan reoliad 74(4) (hawlogaeth i bensiwn afiechyd haen isaf a phensiwn afiechyd haen uchaf).

- (b) the member becomes entitled under the NFPS to the immediate payment of a continued pension of a sum equal to the annual rate of the equivalent amount to the NFPS lower tier ill-health pension payable immediately before the date on which the member reaches normal pension age.

**Transition member who has not reached normal pension age under the 1992 Scheme**

**24.—**(1) This paragraph applies in relation to a transition member who—

- (a) was in pensionable service in the 1992 Scheme until the day before the transition date; and
- (b) has continued in pensionable service in relevant scheme employment, or has been treated as an active member of this scheme in relation to that employment, until that member became entitled to an ill-health award under this scheme; and
- (c) has not reached normal pension age under the 1992 Scheme or the age at which the conditions of rule B1 (ordinary pension) as modified by rule B1A (continuous service pension) of that scheme are satisfied.

(2) If this paragraph applies—

- (a) neither a lower tier ill-health pension nor a higher tier ill-health pension is payable under rule B3 (ill health awards) of the 1992 Scheme; and
- (b) an ill-health award is payable under this scheme.

(3) If the member meets the conditions for a lower tier ill-health pension only under this scheme, the annual rate of a lower tier ill-health pension payable under this scheme is the sum of—

- (a) the annual rate of a lower tier ill-health pension payable under this scheme; and
- (b) an amount payable under regulation 74(4) (entitlement to lower tier ill-health pension and to higher tier ill-health pension).

(4) Pan fo'r aelod yn bodloni'r amodau ar gyfer pensiwn afiechyd haen uchaf o dan y cynllun hwn, mae'r pensiwn addasedig afiechyd haen isaf yn rheoliad 75(4) (cyfradd flynyddol dyfarniadau afiechyd) yn cynnwys y swm yn is-baragraff (3)(b) at ddibenion cyfrifo cyfradd flynyddol y pensiwn afiechyd haen uchaf.

(5) Wedi i ddyfarniad afiechyd ddod yn daladwy o dan y cynllun hwn, os gwneir taliad gwerth trosglwyddo o dan reol F9 (taliad o werth trosglwyddo) o Gynllun 1992 mewn cysylltiad â hawliau'r aelod o dan y cynllun hwnnw, a'r trosglwyddiad yn ymwneud â chyfnod o wasanaeth a gynhwysir fel gwasanaeth cymwys mewn perthynas â chyfrif ymddeol yr aelod hwnnw, rhaid i'r rheolwr cynllun ddidynnu, o swm y dyfarniad afiechyd, swm mewn cysylltiad â gwasanaeth yng Nghynllun 1992 sy'n hafal i'r gwerth a gynrychiolir gan y taliad o werth trosglwyddo hwnnw.

(6) Yn y paragraff hwn—

ystyr “cyflogaeth gynllun berthnasol” (“*relevant scheme employment*”) yw'r cyfnod parhaus o wasanaeth pensiynadwy mewn cyflogaeth gynllun mewn perthynas â'r cyfrif aelod actif yr ychwanegwyd ato'r gwasanaeth pensiynadwy yng Nghynllun 1992 at ddibenion rheoliad 66 (gwasanaeth cymwys).

#### **Aelod trosiannol sy'n cyrraedd oedran pensiwn arferol o dan Gynllun 1992**

**25.**—(1) Mae'r paragraff hwn yn gymwys mewn perthynas ag aelod trosiannol sy'n cael taliad o ddyfarniad afiechyd yn unol â pharagraff 24.

(2) Pan fo'r aelod yn cyrraedd oedran pensiwn arferol o dan Gynllun 1992 neu'r oedran ar gyfer ymddeol a ganfyddir o dan reol B1A(3)(i) o'r cynllun hwnnw—

(a) mae'r aelod yn peidio â bod â'r hawl i daliad ar unwaith o swm cyfwerth â'r pensiwn afiechyd haen isaf Cynllun 1992 o dan reoliad 74(4)(b) (hawlogaeth i bensiwn afiechyd haen isaf a phensiwn afiechyd haen uchaf) o dan y cynllun hwn; a

(4) If the member meets the conditions for a higher tier ill-health pension under this scheme, the adjusted lower tier ill-health pension in regulation 75(4) (annual rate of ill-health awards) includes the amount in sub-paragraph (3)(b) for the purposes of the calculation of the annual rate of the higher tier ill-health pension.

(5) If, after an ill-health award becomes payable under this scheme, a transfer value payment is made under rule F9 (payment of transfer value) of the 1992 Scheme in respect of the member's rights under that scheme and the transfer relates to a period of service included as qualifying service in relation to that member's retirement account, the scheme manager must deduct from the amount of the ill-health award an amount in respect of service in the 1992 Scheme which is equal to the value represented by that transfer value payment.

(6) In this paragraph—

“relevant scheme employment” (“*cyflogaeth gynllun berthnasol*”) means the continuous period of pensionable service in scheme employment in relation to the active member's account to which the pensionable service in the 1992 Scheme was added for the purposes of regulation 66 (qualifying service).

#### **Transition member who reaches normal pension age under the 1992 Scheme**

**25.**—(1) This paragraph applies in relation to a transition member who is receiving the payment of an ill-health award in accordance with paragraph 24.

(2) When the member reaches normal pension age under the 1992 Scheme or the age for retirement ascertained under rule B1A(3)(i) of that scheme—

(a) the member ceases to be entitled to the immediate payment of the equivalent amount to the 1992 Scheme lower tier ill-health pension under regulation 74(4)(b) (entitlement to lower tier ill-health pension and to higher tier ill-health pension) under this scheme; and

- (b) mae'r aelod yn cael yr hawl o dan Gynllun 1992 i daliad ar unwaith o bensiwn parhaus, sydd â'i swm yn hafal i gyfradd flynyddol y swm cyfwerth â'r pensiwn afiechyd haen isaf Cynllun 1992 a oedd yn daladwy yn union cyn y dyddiad y cyrhaeddodd yr aelod oedran pensiwn arferol neu'r oedran ar gyfer ymddeol a ganfyddir o dan reol B1A(3)(i) o Gynllun 1992.

## RHAN 3B

Talu buddion marwolaeth mewn cysylltiad ag aelodau trosiannol

**Cyfradd flynyddol pensiynau i bartneriaid sy'n goroesi, sy'n daladwy o dan y cynllun hwn pan fydd farw aelodau trosiannol penodol sydd â buddion cronodig yng Nghynllun 1992, tra'n gwasanaethu**

**26.—(1)** Mae'r paragraff hwn yn gymwys mewn perthynas ag aelod trosiannol—

- (a) a oedd mewn gwasanaeth pensiynadwy yng Nghynllun 1992 tan y diwrnod cyn y dyddiad trosiant;
- (b) sydd wedi parhau mewn gwasanaeth pensiynadwy mewn cyflogaeth gynllun, neu i gael ei drin fel aelod actif o'r cynllun hwn, hyd at farwolaeth yr aelod hwnnw; ac
- (c) a fu farw fel aelod actif o'r cynllun hwn.

(2) Nid oes dyfarniadau yn daladwy i briodau a phartneriaid sifil sy'n goroesi o dan Ran C (dyfarniadau yn dilyn marwolaeth: priodau) o Gynllun 1992 mewn cysylltiad ag aelod y mae'r paragraff hwn yn gymwys iddo.

(3) Nid oes hawl gan briod neu bartner sifil aelod y mae'r paragraff hwn yn gymwys iddo i gael pensiwn profedigaeth o dan reol E8 o Gynllun 1992.

**Cyfradd flynyddol pensiynau sy'n daladwy i blentyn cymwys o dan y cynllun hwn pan fydd farw aelod trosiannol, sydd â buddion cronodig yn CPNDT, tra'n gwasanaethu**

**27.—(1)** Mae'r paragraff hwn yn gymwys mewn perthynas ag aelod trosiannol sydd â pharhad gwasanaeth ac yn aelod cysylltiedig o CPNDT neu'n aelod arbennig cysylltiedig o CPNDT—

- (b) the member becomes entitled under the 1992 Scheme to the immediate payment of a continued pension of a sum equal to the annual rate of the equivalent amount of the 1992 Scheme lower tier ill-health pension payable immediately before the date on which the member reaches normal pension age or the age for retirement ascertained under rule B1A(3)(i) of the 1992 Scheme.

## PART 3B

Payment of death benefits in respect of transition members

**Annual rate of pensions for surviving partners payable under this scheme when certain transition members die in service with accrued benefits in the 1992 Scheme**

**26.—(1)** This paragraph applies in relation to a transition member who—

- (a) was in pensionable service in the 1992 Scheme until the day before the transition date;
- (b) has continued in pensionable service in scheme employment, or to be treated as an active member of this scheme, until that member dies; and
- (c) dies as an active member of this scheme.

(2) Awards for surviving spouses and civil partners are not payable under Part C (awards on death: spouses) of the 1992 Scheme in respect of a member to whom this paragraph applies.

(3) A surviving spouse or civil partner of a member to whom this paragraph applies is not entitled to receive a bereavement pension under rule E8 of the 1992 Scheme.

**Annual rate of pensions payable to an eligible child under this scheme when a transition member dies in service with accrued benefits in the NFPS**

**27.—(1)** This paragraph applies in relation to a transition member with continuity of service who is a connected member of the NFPS or a connected special member of the NFPS—



- (a) a fu farw tra'n aelod actif o'r cynllun hwn; a
- (b) sydd â chyfnod o 3 mis o leiaf o wasanaeth cymwys.

(2) Nid yw pensiynau ar gyfer plentyn cymwys yn daladwy o dan CPNDT mewn perthynas â'r aelod hwnnw.

**Cyfradd flynyddol pensiynau sy'n daladwy i blentyn cymwys o dan y cynllun hwn pan fydd farw aelod trosiannol, sydd â buddion cronedig yng Nghynllun 1992, tra'n gwasanaethu**

**28.**—(1) Mae'r paragraff hwn yn gymwys mewn perthynas ag aelod trosiannol—

- (a) a oedd mewn gwasanaeth pensiynadwy yng Nghynllun 1992 tan y diwrnod cyn y dyddiad trosiant;
- (b) sydd wedi parhau mewn gwasanaeth pensiynadwy mewn cyflogaeth gynllun, neu i gael ei drin fel aelod actif o'r cynllun hwn, hyd at farwolaeth yr aelod hwnnw; ac
- (c) a fu farw fel aelod actif o'r cynllun hwn.

(2) Nid yw dyfarniadau ar gyfer plentyn cymwys yn daladwy o dan Ran D (dyfarniadau yn dilyn marwolaeth – plant) ac nid oes pensiwn profedigaeth yn daladwy o dan reol E8A o Gynllun 1992 mewn cysylltiad â'r aelod hwnnw.

**Swm y cyfandaliad o fudd marwolaeth sy'n daladwy o dan y cynllun hwn pan fydd farw aelod trosiannol, sydd â buddion cronedig yn CPNDT, tra'n gwasanaethu**

**29.**—(1) Mae'r paragraff hwn yn gymwys mewn perthynas ag aelod trosiannol (T) sy'n aelod o CPNDT ac a fu farw fel aelod actif o'r cynllun hwn.

(2) Yn ddarostyngedig i is-baragraff (3), os bu farw T fel aelod-bensiynwr o CPNDT, swm y cyfandaliad budd marwolaeth sy'n daladwy o dan y cynllun hwn yw'r mwyaf o naill ai swm y cyfandaliad budd marwolaeth sy'n daladwy o dan reoliad 105(2) neu swm y grant marwolaeth ôl-ymddeol sy'n daladwy o dan reol 2 (grant marwolaeth ôl-ymddeol) o Ran 5 o CPNDT.

- (a) who dies as an active member of this scheme; and
- (b) whose period of qualifying service is at least 3 months.

(2) Pensions for an eligible child are not payable under the NFPS in respect of that member.

**Annual rate of pensions payable to an eligible child under this scheme when a transition member dies in service with accrued benefits in the 1992 Scheme**

**28.**—(1) This paragraph applies in relation to a transition member who—

- (a) was in pensionable service in the 1992 Scheme until the day before the transition date;
- (b) has continued in pensionable service in scheme employment, or has been treated as an active member of this scheme, until that member dies; and
- (c) dies as an active member of this scheme.

(2) Awards for an eligible child are not payable under Part D (awards on death – children) and a bereavement pension is not payable under rule E8A of the 1992 Scheme in respect of that member.

**Amount of lump sum death benefit payable under this scheme when a transition member dies in service with accrued benefits in the NFPS**

**29.**—(1) This paragraph applies in relation to a transition member (T) who is a member of the NFPS and who dies as an active member of this scheme.

(2) Subject to sub-paragraph (3), where T dies as a pensioner member of the NFPS, the amount of the lump sum death benefit payable under this scheme is the greater of the amount of the lump sum death benefit payable under regulation 105(2) and the amount of post-retirement death grant payable under rule 2 (post-retirement death grant) of Part 5 of the NFPS.

(3) Os oedd T, ar yr adeg y bu farw, yn aelod-bensiynwr o'r cynllun hwn ac yn aelod actif o'r cynllun hwn, a rheoliad 107 (cyfandaliad sy'n daladwy ar farwolaeth mewn achosion penodol) yn gymwys, ac os swm y cyfandaliad budd marwolaeth o dan reoliad 106 (cyfandaliad sy'n daladwy ar farwolaeth aelod-bensiynwr) yw'r mwyaf sy'n daladwy yn yr achos hwnnw, rhaid darllen is-baragraff (2) fel pe rhoddid "rheoliad 106" yn lle "rheoliad 105".

**Swm y cyfandaliad o fudd marwolaeth sy'n daladwy o dan y cynllun hwn pan fydd farw aelod trosiannol, sydd â buddion cronodig yng Nghynllun 1992, tra'n gwasanaethu**

**30.**—(1) Mae'r paragraff hwn yn gymwys mewn perthynas ag aelod trosiannol (T) sy'n aelod o Gynllun 1992 ac a fu farw fel aelod actif o'r cynllun hwn.

(2) Mae is-baragraff (3) yn gymwys os oedd paragraff (7) o reol A3 o Gynllun 1992 yn gymwys i T yn union cyn ei farwolaeth a chyfandaliad o grant marwolaeth, y pennir ei swm yn rheoliad 105(2) (cyfandaliad sy'n daladwy ar farwolaeth aelod actif) o'r cynllun hwn, yn daladwy i'r personau hynny a benderfynir gan y rheolwr cynllun o dan reoliad 104 (person y mae cyfandaliad budd marwolaeth yn daladwy iddo) ac—

- (a) cyfandaliad grant marwolaeth wedi ei dalu o dan reol E1 o Gynllun 1992,
- (b) taliad o'r balans o'r cyfraniadau wedi ei wneud o dan reol E4 o Gynllun 1992, neu
- (c) arian rhodd i berthynas dibynnol wedi ei dalu o dan reol E3 o Gynllun 1992.

(3) Pan fo'r is-baragraff hwn yn gymwys, rhaid didynnu'r taliadau a wnaed ac y cyfeirir atynt ym mharagraffau (a), (b) neu (c) o is-baragraff (2) allan o'r cyfandaliad grant marwolaeth sy'n daladwy o dan reoliad 105.

(4) Mae is-baragraff (5) yn gymwys os bu T farw fel aelod gohiriedig o Gynllun 1992 neu os oedd yn cael pensiwn o'r cynllun hwnnw, a chyfandaliad o grant marwolaeth, y pennir ei swm yn rheoliad 105(2) o'r cynllun hwn, yn daladwy i'r personau hynny a benderfynir gan y rheolwr cynllun o dan reoliad 104 ac—

- (a) arian rhodd i berthynas dibynnol wedi ei dalu o dan reol E3 o Gynllun 1992, neu
- (b) swm o grant marwolaeth ôl-ymddeol wedi ei dalu o dan reol E4.

(3) Where T at the time of T's death was a pensioner member of this scheme and an active member of this scheme, and regulation 107 (lump sum payable on death in certain cases) applies, in a case where the greater amount of the lump sum death benefit payable is that under regulation 106 (lump sum payable on death of pensioner member), "regulation 105" in sub-paragraph (2) is to be read as "regulation 106".

**Amount of lump sum death benefit payable under this scheme when a transition member dies in service with accrued benefits in the 1992 Scheme**

**30.**—(1) This paragraph applies in relation to a transition member (T) who is a member of the 1992 Scheme and who dies as an active member of this scheme.

(2) Sub-paragraph (3) applies where paragraph (7) of rule A3 of the 1992 Scheme applied to T immediately before T died and a lump sum death grant of an amount specified in regulation 105(2) (lump sum payable on death of active member) of this scheme is payable to those persons that the scheme manager determines under regulation 104 (person to whom lump sum death benefit payable) and—

- (a) a lump sum death grant has been paid under rule E1 of the 1992 Scheme,
- (b) a payment of the balance of contributions has been made under rule E4 of the 1992 Scheme, or
- (c) a dependent relative's gratuity has been paid under rule E3 of the 1992 Scheme.

(3) Where this sub-paragraph applies, the payments which have been made and are referred to in paragraphs (a), (b) or (c) of sub-paragraph (2) must be deducted from the lump sum death grant payable under regulation 105.

(4) Sub-paragraph (5) applies where T dies as a deferred member of the 1992 Scheme or in receipt of a pension from that scheme and a lump sum death grant of an amount specified in regulation 105(2) of this scheme is payable to those persons that the scheme manager determines under regulation 104 and—

- (a) a dependent relative's gratuity has been paid under rule E3 of the 1992 Scheme, or
- (b) an amount of post retirement death grant has been paid under rule E4.

(5) Pan fo'r is-baragraff hwn yn gymwys, rhaid didynnu'r taliadau a wnaed ac y cyfeirir atynt ym mharagraffau (a) neu (b) o is-baragraff (4) allan o'r cyfandaliad grant marwolaeth sy'n daladwy o dan reoliad 105.

## RHAN 3C

Darpariaethau trosiannol mewn perthynas ag CPNDT a Chynllun 1992

### Gwasanaeth pensiynadwy o dan CPNDT

**31.**—(1) Mae'r paragraff hwn yn gymwys mewn perthynas ag aelod trosiannol (T) sy'n aelod cysylltiedig o'r CPNDT neu'n aelod arbennig cysylltiedig o'r CPNDT, a chanddo barhad gwasanaeth.

(2) Mae'r darpariaethau canlynol o Bennod 2 (prynu gwasanaeth ychwanegol) o Ran 11 (tâl pensiynadwy, cyfraniadau pensiwn a phrynu gwasanaeth ychwanegol) o CPNDT yn parhau'n gymwys ar ôl y dyddiad trosiant, fel pe bai T yn parhau mewn gwasanaeth pensiynadwy o dan y cynllun hwnnw—

(a) y darpariaethau sy'n ymwneud â thalu cyfraniadau cyfnodol i brynu gwasanaeth ychwanegol os oedd T wedi gwneud dewisiad i brynu gwasanaeth ychwanegol o dan reoliad 6 (dewis prynu gwasanaeth ychwanegol) neu os yw T yn dychwelyd i wasanaeth pensiynadwy fel diffoddwr tân ar ôl cyfnod o wasanaeth di-dâl neu absenoldeb di-dâl a T yn gwneud dewisiad i brynu gwasanaeth ychwanegol mewn cysylltiad â'r cyfnod cyn y dyddiad trosiant o dan y rheol honno; a

(b) y darpariaethau sy'n ymwneud â thalu'r cyfraniadau pensiwn cyfnod arbennig gorfodol sy'n daladwy mewn cysylltiad â dewisiad i brynu gwasanaeth yn ystod y cyfnod cyfyngedig o dan reol 6A (dewis prynu gwasanaeth yn ystod y cyfnod cyfyngedig).

(3) Wrth benderfynu a yw T yn gymwys o dan CPNDT ar gyfer buddion ymddeol (ac eithrio dyfarniad wrth ymddeol oherwydd afiechyd neu bensiwn gohiriedig), mae gwasanaeth pensiynadwy T o dan CPNDT yn terfynu pan fo gwasanaeth pensiynadwy T o dan y cynllun hwn yn terfynu.

(5) Where this sub-paragraph applies, the payments which are referred to in paragraphs (a) or (b) of sub-paragraph (4) and which have been made must be deducted from the amount of lump sum death grant payable under regulation 105.

## PART 3C

Transitional provisions relating to the NFPS and the 1992 Scheme

### Pensionable service under the NFPS

**31.**—(1) This paragraph applies in relation to a transition member (T) who is a connected member of the NFPS, or a connected special member of the NFPS, and has continuity of service.

(2) The following provisions of Chapter 2 (purchase of additional service) of Part 11 (pensionable pay, pension contributions and purchase of additional service) of the NFPS continue to apply after the transition date as if T continued in pensionable service under that scheme—

(a) the provisions relating to the payment of periodical contributions for the purchase of additional service if T had made an election to purchase additional service under rule 6 (election to purchase additional service) or if T returns to pensionable service as a firefighter after a period of unpaid service or absence and T elects to purchase additional service in respect of the period before the transition date under that rule; and

(b) the provisions relating to the payment of the mandatory special period pension contributions payable in respect of an election to purchase service during the limited period under rule 6A (election to purchase service during the limited period).

(3) In determining whether T qualifies under the NFPS for retirement benefits (other than an award on ill-health retirement or a deferred pension), T's pensionable service under the NFPS terminates when T's pensionable service under this scheme terminates.

### **Cyflog terfynol aelodau trosiannol penodol at unrhyw ddibenion CPNDT**

**32.**—(1) Mae'r paragraff hwn yn gymwys i aelod trosiannol (T) sydd â pharhad gwasanaeth, sydd mewn gwasanaeth pensiynadwy o dan y cynllun hwn ac sy'n aelod o CPNDT.

(2) Yn ddarostyngedig i is-baragraffau (3) i (5), wrth benderfynu tâl pensiynadwy terfynol T at unrhyw ddibenion CPNDT o dan Atodlen 7 i Ddeddf 2013 (cyswllt cyflog terfynol)—

- (a) mae darpariaethau paragraff 1 neu baragraff 2 o'r Atodlen honno yn gymwys fel pe bai'r cyfeiriad at "final salary" yn gyfeiriad at "final pensionable pay", a
- (b) rhaid ystyried bod tâl pensiynadwy sy'n deillio o wasanaeth o dan y cynllun hwn wedi deillio o wasanaeth o dan CPNDT.

(3) Os yw tâl pensiynadwy T sy'n deillio o wasanaeth o dan y cynllun hwn, ar adeg pan benderfynir tâl pensiynadwy terfynol T at unrhyw ddibenion CPNDT o dan Atodlen 7 (cyswllt cyflog terfynol) i Ddeddf 2013, yn is na thâl pensiynadwy T sy'n deillio o wasanaeth o dan CPNDT ar y diwrnod cyn y dyddiad trosiant—

- (a) nid yw is-baragraff (2) yn gymwys, a
- (b) penderfynir tâl pensiynadwy terfynol T yn unol â rheol 1 (tâl pensiynadwy) a rheol 2 (tâl pensiynadwy terfynol) o Ran 11 o CPNDT.

(4) Os yw tâl pensiynadwy T sy'n deillio o wasanaeth o dan y cynllun hwn, ar adeg pan benderfynir tâl pensiynadwy terfynol T at unrhyw ddibenion CPNDT o dan Atodlen 7 (cyswllt cyflog terfynol) i Ddeddf 2013, yn is na'r tâl pensiynadwy ar gyfer unrhyw flwyddyn ar ôl y dyddiad trosiant, rhaid ystyried at ddibenion Atodlen 7 mai'r tâl pensiynadwy ar gyfer y flwyddyn o wasanaeth cyn y gostyngiad yn y tâl pensiynadwy yw'r tâl pensiynadwy sy'n deillio o wasanaeth o dan CPNDT.

### **Final salary of certain transition members for any purposes of the NFPS**

**32.**—(1) This paragraph applies to a transition member with continuity of service (T) who is in pensionable service under this scheme and is a member of the NFPS.

(2) Subject to sub-paragraphs (3) to (5), in determining T's final pensionable pay for any purposes of the NFPS under Schedule 7 to the 2013 Act (final salary link)—

- (a) the provisions of paragraph 1 or paragraph 2 of that Schedule apply as if the reference to "final salary" were a reference to "final pensionable pay", and
- (b) pensionable pay derived from service under this scheme is to be regarded as derived from service under the NFPS.

(3) Where T's pensionable pay derived from service under this scheme at a time when T's final pensionable pay is determined for any purposes of the NFPS under Schedule 7 (final salary link) to the 2013 Act is lower than T's pensionable pay derived from service under the NFPS on the day before the transition date—

- (a) sub-paragraph (2) does not apply; and
- (b) T's final pensionable pay is determined in accordance with rule 1 (pensionable pay) and rule 2 (final pensionable pay) of Part 11 of the NFPS.

(4) Where T's pensionable pay derived from service under this scheme at the time when T's final pensionable pay is determined for any purposes of the NFPS under Schedule 7 to the 2013 Act (final salary link) is lower than the pensionable pay for any year after the transition date, the pensionable pay for the year of service before the reduction in pensionable pay is to be regarded for the purposes of Schedule 7 as the pensionable pay derived from service under the NFPS.

(5) Mae'r diffiniad, yn rheoliad 26, o'r tâl pensiynadwy sy'n deillio o wasanaeth o dan y cynllun hwn wedi ei addasu at ddibenion is-baragraffau (2) a (4) drwy hepgor paragraff (1)(d) o'r rheoliad hwnnw, ac mewn achos pan delir i T unrhyw lwfans neu atodiad, o fewn ystyr paragraff (6) o reol 1 o Ran 11 o CPNDT, y byddai'r cyflogwr wedi ei drin yn bensiynadwy o dan y cynllun hwnnw pe bai'r aelod yn parhau'n aelod-ddiffoddwr tân o'r cynllun hwnnw, trinnir y swm hwnnw fel pe bai'n gynwysedig yn y tâl pensiynadwy at ddibenion penderfynu tâl pensiynadwy terfynol T o dan CPNDT.

### **Cyflog terfynol aelodau trosiannol penodol at unrhyw ddibenion Cynllun 1992**

**33.**—(1) Mae'r paragraff hwn yn gymwys mewn perthynas ag aelod trosiannol (T) sydd â pharhad gwasanaeth, sydd mewn gwasanaeth pensiynadwy o dan y cynllun hwn ac sy'n aelod o Gynllun 1992.

(2) Yn ddarostyngedig i is-baragraffau (3) i (5), wrth benderfynu tâl pensiynadwy cyfartalog T at unrhyw ddibenion Cynllun 1992 o dan Atodlen 7 i Ddeddf 2013 (cyswllt cyflog terfynol)—

- (a) mae darpariaethau paragraff 1 o'r Atodlen honno yn gymwys fel pe bai cyfeiriad at "final salary" yn gyfeiriad at "average pensionable pay", a
- (b) rhaid ystyried bod tâl pensiynadwy sy'n deillio o wasanaeth o dan y cynllun hwn wedi deillio o wasanaeth o dan Gynllun 1992.

(3) Os yw tâl pensiynadwy T sy'n deillio o wasanaeth o dan y cynllun hwn, ar adeg pan benderfynir tâl pensiynadwy cyfartalog T at unrhyw ddibenion Cynllun 1992 o dan Atodlen 7 (cyswllt cyflog terfynol) i Ddeddf 2013, yn is na thâl pensiynadwy T sy'n deillio o wasanaeth o dan Gynllun 1992 ar y diwrnod cyn y dyddiad trosiant—

- (a) nid yw is-baragraff (2) yn gymwys, a
- (b) penderfynir tâl pensiynadwy cyfartalog T yn unol â rheol G1 (tâl pensiynadwy a thâl pensiynadwy cyfartalog) o Gynllun 1992.

(5) The definition of pensionable pay derived from service under this scheme in regulation 26 (pensionable pay) is modified for the purposes of sub-paragraphs (2) and (4) by the omission of paragraph (1)(d) of that regulation, and in a case where T is being paid an allowance or supplement within the meaning of paragraph (6) of rule 1 to Part 11 of the NFPS which the employer would have treated as pensionable under that scheme were the member still a firefighter member of that scheme, that amount is treated as included in pensionable pay for the purposes of determining T's final pensionable pay under the NFPS.

### **Final salary of certain transition members for any purposes of the 1992 Scheme**

**33.**—(1) This paragraph applies in relation to a transition member (T) with continuity of service who is in pensionable service under this scheme and is a member of the 1992 Scheme.

(2) Subject to sub-paragraphs (3) to (5), in determining T's average pensionable pay for any purposes of the 1992 Scheme under Schedule 7 to the 2013 Act (final salary link)—

- (a) the provisions of paragraph 1 of that Schedule apply as if the reference to "final salary" were a reference to "average pensionable pay", and
- (b) pensionable pay derived from service under this scheme is to be regarded as derived from service under the 1992 Scheme.

(3) Where T's pensionable pay derived from service under this scheme at the time when T's average pensionable pay is determined for any purposes of the 1992 Scheme under Schedule 7 to the 2013 Act (final salary link) is lower than T's pensionable pay derived from service under the 1992 Scheme on the day before the transition date—

- (a) sub-paragraph (2) does not apply, and
- (b) T's average pensionable pay is determined in accordance with rule G1 (pensionable pay and average pensionable pay) of the 1992 Scheme.

(4) Os yw tâl pensiynadwy T sy'n deillio o wasanaeth o dan y cynllun hwn, ar adeg pan benderfynir tâl pensiynadwy cyfartalog T at unrhyw ddibenion Cynllun 1992 o dan Atodlen 7 (cyswllt cyflog terfynol) i Ddeddf 2013, yn is na'r tâl pensiynadwy ar gyfer unrhyw flwyddyn ar ôl y dyddiad trosiant, rhaid ystyried at ddibenion Atodlen 7 mai'r tâl pensiynadwy ar gyfer y flwyddyn o wasanaeth cyn y gostyngiad yn y tâl pensiynadwy yw'r tâl pensiynadwy sy'n deillio o wasanaeth o dan Gynllun 1992.

(5) Mae'r diffiniad, yn rheoliad 26, o'r tâl pensiynadwy sy'n deillio o wasanaeth o dan y cynllun hwn wedi ei addasu at ddibenion is-baragraffau (2) a (4) drwy hepgor paragraff (1)(d) o'r rheoliad hwnnw, ac mewn achos pan delir i'r aelod o Gynllun 1992 unrhyw lwfans neu atodiad o fewn ystyr paragraff (9) o reol G1 (tâl pensiynadwy a thâl pensiynadwy cyfartalog), y byddai'r cyflogwr wedi ei drin yn dâl pensiynadwy o dan y Cynllun hwnnw pe bai'r aelod yn parhau â'r hawl i gyfrif gwasanaeth pensiynadwy yn y Cynllun hwnnw, caiff y swm hwnnw ei gynnwys yn y tâl pensiynadwy at ddibenion penderfynu tâl pensiynadwy cyfartalog T o dan Gynllun 1992.

#### **Gwasanaeth pensiynadwy parhaus o dan Gynllun 1992**

**34.**—(1) Mae'r paragraff hwn yn gymwys i aelod trosiannol (T) a oedd mewn gwasanaeth pensiynadwy o dan Gynllun 1992 ar y dyddiad cyn dyddiad trosiant yr aelod hwnnw, ac a ymunodd â'r cynllun hwn ar y dyddiad trosiant, ac sydd wedi parhau mewn gwasanaeth pensiynadwy o dan y cynllun hwn tan y dyddiad pan fo T yn dod yn gymwys o dan Gynllun 1992 ar gyfer dyfarniad o dan y cynllun hwnnw.

(2) Bodlonir y gofyniad ym mharagraff (1) fod T wedi parhau mewn gwasanaeth pensiynadwy o dan y cynllun hwn os yw T wedi bod, neu wedi ei drin fel pe bai, yn aelod actif o'r cynllun hwn.

(3) Ar gyfer penderfynu a yw T yn gymwys o dan Gynllun 1992 i gael buddion ymddeol (ac eithrio dyfarniad ymddeol ar sail afiechyd neu bensiwn gohiriedig), mae gwasanaeth pensiynadwy T o dan Gynllun 1992 yn terfynu pan fo gwasanaeth pensiynadwy T o dan y cynllun hwn yn terfynu.

(4) Where T's pensionable pay derived from service under this scheme at the time when T's average pensionable pay is determined for any purposes of the 1992 Scheme under Schedule 7 to the 2013 Act (final salary link) is lower than the pensionable pay for any year after the transition date, the pensionable pay for the year of service before the reduction in pensionable pay is to be regarded for the purposes of Schedule 7 as the pensionable pay derived from service under the 1992 Scheme.

(5) The definition of pensionable pay derived from service under this scheme in regulation 26 is modified for the purposes of sub-paragraphs (2) and (4) by the omission of paragraph (1)(d) of that regulation, and in a case where the member of the 1992 Scheme is being paid an allowance or supplement within the meaning of paragraph (9) of rule G1 (pensionable pay and average pensionable pay) which the employer would have treated as pensionable pay under that Scheme were the member still entitled to reckon pensionable service in that Scheme, that amount is included in pensionable pay for the purposes of determining T's average pensionable pay under the 1992 Scheme.

#### **Continuous pensionable service under the 1992 Scheme**

**34.**—(1) This paragraph applies to a transition member (T) who was in pensionable service under the 1992 Scheme on the date before that member's transition date and joined this scheme on the transition date, and has remained in pensionable service under this scheme until the date on which T qualifies under the 1992 Scheme for an award under that scheme.

(2) The requirement in paragraph (1) that T has remained in pensionable service under this scheme is satisfied where T has been or is treated as an active member of this scheme.

(3) In determining whether T qualifies under the 1992 Scheme for retirement benefits (other than an award on ill-health retirement or to a deferred pension), T's pensionable service under the 1992 Scheme terminates when T's pensionable service under this scheme terminates.

(4) At ddibenion cyfrifo'r pensiwn o dan reol B1A o Gynllun 1992 ac ar gyfer y cymudo o dan reol B7 (cymudo – darpariaeth gyffredinol) o'r cynllun hwnnw, mae gwasanaeth pensiynadwy o dan y cynllun hwn yn gyfrifadwy o dan reol F2 (gwasanaeth cyfredol) o'r cynllun hwnnw fel gwasanaeth pensiynadwy 2015.

(5) Os oedd T wedi gwneud dewisiad i dalu cyfraniadau cyfnodol ar gyfer buddion cynyddol o dan reol G6 (dewis prynu buddion cynyddol) o Gynllun 1992, mae'r cyfraniadau hyn yn parhau'n daladwy fel pe bai T wedi parhau mewn gwasanaeth pensiynadwy o dan Gynllun 1992 hyd nes bydd T yn gadael gwasanaeth pensiynadwy o dan Gynllun 2015.

(6) Os yw T, ar ôl y dyddiad trosiant, yn dychwelyd i'w waith yn dilyn cyfnod o absenoldeb mamolaeth neu absenoldeb mabwysiadu, a hawl ganddo i ddewis talu cyfraniadau pensiwn mewn cysylltiad â'r cyfnod hwnnw o dan reol G2A (cyfraniadau pensiwn opsiynol yn ystod absenoldeb mamolaeth a mabwysiadu) o Gynllun 1992, ni chaniateir gwneud y dewisiad ac eithrio mewn cysylltiad â'r cyfnod cyn y dyddiad trosiant.

(7) Pan fo'r paragraff hwn yn gymwys, a hawl gan T i gael pensiwn cyffredin o dan reol B1 (pensiwn cyffredin) o Gynllun 1992 neu ddyfarndal gwasanaeth byr o dan reol B2 (dyfarndal gwasanaeth byr) o'r cynllun hwnnw, cyfrifir pensiwn cyffredin T neu ddyfarndal gwasanaeth byr T, yn ôl fel y digwydd, yn unol â Rhan 2A o Atodlen 2 i Gynllun 1992 ac nid yw Rhan 1 a Rhan 2 o Atodlen 2 i'r cynllun hwnnw yn gymwys.

### **Aelod gohiriedig o Gynllun 1992**

**35.** Mae aelod trosiannol sydd â buddion cronedig yng Nghynllun 1992 ac nad yw paragraff 34 yn gymwys iddo yn aelod gohiriedig o Gynllun 1992.

### **Aelod gohiriedig o CPNDT**

**36.—(1)** Nid yw aelod trosiannol (T), sydd â pharhad gwasanaeth ac sy'n aelod cysylltiedig o CPNDT neu'n aelod arbennig cysylltiedig o CPNDT yn dod yn aelod gohiriedig o'r cynllun hwnnw oni fydd T yn dod yn aelod gohiriedig o'r cynllun hwn mewn perthynas â'r cyfrif aelod actif yr ychwanegwyd ato'r gwasanaeth cymwys ar gyfer yr aelod cysylltiedig hwnnw o CPNDT neu'r aelod arbennig cysylltiedig hwnnw o CPNDT.

(4) For the purposes of calculating the pension under rule B1A of the 1992 Scheme and for the commutation under rule B7 (commutation – general provision) of that scheme, pensionable service under this scheme is reckonable under rule F2 (current service) of that scheme as 2015 pensionable service.

(5) Where T had elected to pay periodical contributions for increased benefits under rule G6 (election to purchase increased benefits) of the 1992 Scheme, these continue to be payable as if T continued in pensionable service under the 1992 Scheme until T leaves pensionable service under the 2015 Scheme.

(6) If after the transition date T returns to work following a period of maternity or adoption leave and is entitled to elect to pay pension contributions under rule G2A (optional pension contributions during maternity and adoption leave) of the 1992 Scheme in respect of that period, the election may only be made in respect of the period before the transition date.

(7) Where this paragraph applies and T is entitled to an ordinary pension under rule B1 (ordinary pension) of the 1992 Scheme or a short service award under rule B2 (short service award) of that scheme, T's ordinary pension or short service award, as the case may be, is calculated in accordance with Part 2A of Schedule 2 to the 1992 Scheme and Part 1 and Part 2 of Schedule 2 to that scheme do not apply.

### **Deferred member of the 1992 Scheme**

**35.** A transition member with accrued benefits in the 1992 Scheme to whom paragraph 34 does not apply is a deferred member of the 1992 Scheme.

### **Deferred member of the NFPS**

**36.—(1)** A transition member with continuity of service (T), who is a connected member of the NFPS or a connected special member of the NFPS, does not become a deferred member of that scheme unless T becomes a deferred member of this scheme in relation to the active member's account to which the qualifying service for that connected member of the NFPS or connected special member of the NFPS was added.

(2) Os yw T yn optio allan o'r cynllun hwn mewn perthynas â chyflogaeth gynllun, neu'n gadael cyflogaeth gynllun cyn cael yr hawl i bensiwn mewn perthynas â'r gwasanaeth pensiynadwy hwnnw, a bod gan T dri mis, o leiaf, o wasanaeth cymwys—

- (a) daw T yn aelod gohiriedig o CPNDT mewn perthynas â gwasanaeth pensiynadwy o dan y cynllun hwnnw; a
- (b) mae unrhyw daliadau cyfnodol am wasanaeth ychwanegol o dan CPNDT yn peidio â bod yn daladwy.

(3) Os yw T yn dychwelyd i wasanaeth pensiynadwy o dan y cynllun hwn ar ôl bwlch mewn gwasanaeth nad yw'n hwy na 5 mlynedd, mae T yn peidio â bod yn aelod gohiriedig o CPNDT.

### **Rheolwr cynllun yn penderfynu nad oes gan aelod o CPNDT hawl i ddyfarniad afiechyd**

37.—(1) Mae'r paragraff hwn yn gymwys os yw'r awdurdod wedi penderfynu cael barn ysgrifenedig gan YMCA ynglŷn ag a yw aelod o CPNDT yn anabl yn barhaol, neu'n abl i ymgymryd â chyflogaeth reolaidd, cyn penderfynu a oes hawl gan yr aelod i gael dyfarniad afiechyd, ac nad yw'r penderfyniad wedi ei wneud cyn dyddiad trosiant yr aelod.

(2) Os yw'r paragraff hwn yn gymwys, mae'r aelod yn ymuno â'r cynllun hwn ar y diweddaraaf o'r canlynol—

- (a) dyddiad trosiant yr aelod;
- (b) os yw'r aelod yn penderfynu peidio ag apelio, diwedd y cyfnod o 28 diwrnod o'r dyddiad y mae'r aelod yn cael yr olaf o'r dogfennau y mae'n ofynnol i'r awdurdod eu cyflenwi o dan reol 4 (apelau yn erbyn penderfyniadau sydd wedi'u seilio ar gyngor meddygol) o Ran 8 o CPNDT;
- (c) os yw'r aelod yn tynnu'r apêl yn ôl, y dyddiad y tynnir yr apêl yn ôl; a
- (d) pan fo apêl gan yr aelod wedi ei chlywed, ar ddiwedd y cyfnod o 28 diwrnod o'r dyddiad y mae'r aelod yn cael adroddiad y bwrdd o ganolwyr meddygol os nad oes datganiad wedi ei gyflenwi gan yr awdurdod i Weinidogion Cymru neu, os yw'r bwrdd yn ailystyried ei benderfyniad, yn cael yr hysbysiad sy'n cadarnhau'r penderfyniad neu'r penderfyniad diwygiedig.

(2) If T opts out of this scheme in relation to a scheme employment, or leaves scheme employment before being entitled to a pension in relation to that pensionable service, and T has at least 3 months' qualifying service—

- (a) T becomes a deferred member of the NFPS in relation to pensionable service under that scheme; and
- (b) any periodical payments for additional service under the NFPS cease to be payable.

(3) If T re-enters pensionable service under this scheme after a gap in service not exceeding 5 years, T ceases to be a deferred member of the NFPS.

### **Scheme manager determines member of the NFPS is not entitled to an ill-health award**

37.—(1) This paragraph applies if the authority has decided to obtain the written opinion of an IQMP concerning whether a member of the NFPS is permanently disabled or able to undertake regular employment before making a determination as to whether a member is entitled to an ill-health award, and the determination has not been made before the member's transition date.

(2) If this paragraph applies, the member joins this scheme on whichever is the latest of—

- (a) the member's transition date;
- (b) if the member decides not to appeal, the expiry of 28 days from the date on which the member received the last of the documents which the authority is required to supply under rule 4 (appeals against decisions based on medical advice) of Part 8 of the NFPS;
- (c) if the member withdraws the appeal, the date of the withdrawal of the appeal; and
- (d) where the member's appeal has been heard, the expiry of 28 days from the date on which the member received the report by the board of medical referees where no statement has been supplied by the authority to the Welsh Ministers or, where the board reconsiders its decision, the notice confirming the decision or the revised decision.



### **Rheolwr cynllun yn penderfynu nad oes gan aelod o Gynllun 1992 hawl i ddyfarniad afiechyd**

**38.**—(1) Mae'r paragraff hwn yn gymwys os yw'r awdurdod wedi penderfynu cael barn ysgrifenedig gan YMCA o dan reol H1 (penderfyniad gan awdurdod tân) o Gynllun 1992 ynglŷn ag a yw aelod o'r cynllun hwnnw yn anabl yn barhaol, neu'n abl i ymgymryd â chyflogaeth reolaidd, cyn penderfynu a oes hawl gan yr aelod i gael dyfarniad afiechyd, ac nad yw'r penderfyniad wedi ei wneud cyn dyddiad trosiant yr aelod.

(2) Os yw'r paragraff hwn yn gymwys, mae'r aelod yn ymuno â'r cynllun hwn ar y diweddaraf o'r canlynol—

- (a) dyddiad trosiant yr aelod;
- (b) os yw'r aelod yn penderfynu peidio ag apelio, diwedd y cyfnod o 28 diwrnod o'r dyddiad y mae'r aelod yn cael yr olaf o'r dogfennau y mae'n ofynnol i'r awdurdod eu cyflenwi o dan reol H2A (apelau yn erbyn barn sy'n seiliedig ar gyngor meddygol) o Ran H o Gynllun 1992;
- (c) os yw'r aelod yn tynnu'r apêl yn ôl, y dyddiad y tynnir yr apêl yn ôl; a
- (d) pan fo apêl gan yr aelod wedi ei chlywed, ar ddiwedd y cyfnod o 28 diwrnod o'r dyddiad y mae'r aelod yn cael adroddiad y bwrdd o ganolwyr meddygol neu, os yw'r bwrdd yn ailystyried ei benderfyniad, yn cael yr hysbysiad sy'n cadarnhau'r penderfyniad neu'r penderfyniad diwygiedig.

### **Ad-dalu cyfraniadau o dan CPNDT**

**39.** Os yw aelod trosiannol (T), sydd â pharhad gwasanaeth, yn optio allan o'r cynllun hwn, a bod gan T lai na 3 mis o wasanaeth cymwys yn CPNDT a'r cynllun hwn—

- (a) rhaid ad-dalu i T ei gyfraniadau pensiwn a'i gyfraniadau pensiwn arbennig a'i gyfraniadau pensiwn cyfnod arbennig gorfodol a dalwyd o dan CPNDT; a
- (b) bydd unrhyw daliadau cyfnodol pellach am wasanaeth ychwanegol, a oedd i'w talu o dan CPNDT yn peidio â bod yn daladwy.

### **Scheme manager determines member of the 1992 Scheme is not entitled to an ill-health award**

**38.**—(1) This paragraph applies if the authority has decided to obtain the written opinion of an IQMP under rule H1 (determination by fire authority) of the 1992 Scheme concerning whether a member of that scheme is permanently disabled or able to undertake regular employment before making a determination as to whether a member is entitled to an ill-health award, and the determination has not been made before the member's transition date.

(2) If this paragraph applies, the member joins this scheme on whichever is the latest of—

- (a) the member's transition date;
- (b) if the member decides not to appeal, the expiry of 28 days from the date on which the member received the last of the documents which the authority is required to supply under rule H2A (appeals against opinion based on medical advice) of Part H of the 1992 Scheme;
- (c) if the member withdraws the appeal, the date of the withdrawal of the appeal; and
- (d) where the member's appeal has been heard, the expiry of 28 days from the date on which the member received the report by the board of medical referees or, where the board reconsiders its decision, the notice confirming the decision or the revised decision.

### **Repayment of contributions under the NFPS**

**39.** If a transition member with continuity of service (T) opts out of this scheme and T has less than 3 months' qualifying service in the NFPS and this scheme—

- (a) T must be repaid pension contributions and special pension contributions and mandatory special period pension contributions paid under the NFPS; and
- (b) any further periodical payments for additional service to be paid under the NFPS cease to be payable.

### **Cymhwysra am fuddion ymddeol o dan CPNDT**

40. Ar gyfer penderfynu a yw aelod trosiannol sydd â pharhad gwasanaeth yn gymwys i gael buddion ymddeol o dan CPNDT, mae gwasanaeth cymwys yr aelod yn cynnwys cyfanswm y canlynol—

- (a) gwasanaeth cymwys yr aelod o dan CPNDT; a
- (b) gwasanaeth cymwys yr aelod o dan y cynllun hwn.

### **Cymhwysra am fuddion ymddeol o dan Gynllun 1992**

41. Ar gyfer penderfynu a yw aelod trosiannol sydd â pharhad gwasanaeth yn gymwys i gael buddion ymddeol o dan Gynllun 1992, mae gwasanaeth cymwys yr aelod yn cynnwys cyfanswm y canlynol —

- (a) gwasanaeth cymwys yr aelod o dan Gynllun 1992; a
- (b) gwasanaeth cymwys yr aelod o dan y cynllun hwn.

### **Cyswllt cyflog terfynol i beidio â chael ei gymhwyso drachefn at bensiwn a delir eisoes o dan CPNDT**

42. Pan fo unrhyw elfen o bensiwn o dan CPNDT, a delir eisoes o dan y Cynllun hwnnw, wedi ei chyfrifo drwy gyfeirio at Atodlen 7 (cyswllt cyflog terfynol) i Ddeddf 2013, ni ailgyfrifir yr elfen honno o'r pensiwn drwy gyfeirio at Atodlen 7 o ganlyniad i gyfnod diweddarach o wasanaeth cyhoeddus pensynadwy (o fewn ystyr paragraff 3 o Atodlen 7 i Ddeddf 2013).

### **Cyswllt cyflog terfynol i beidio â chael ei gymhwyso drachefn at bensiwn a delir eisoes o dan Gynllun 1992**

43. Pan fo unrhyw elfen o bensiwn o dan Gynllun 1992, a delir eisoes o dan y cynllun hwnnw, wedi ei chyfrifo drwy gyfeirio at Atodlen 7 (cyswllt cyflog terfynol) i Ddeddf 2013, ni ailgyfrifir yr elfen honno o'r pensiwn drwy gyfeirio at Atodlen 7 (cyswllt cyflog terfynol) i Ddeddf 2013 o ganlyniad i gyfnod diweddarach o wasanaeth cyhoeddus pensynadwy (o fewn ystyr paragraff 3 o Atodlen 7 i'r Ddeddf).

### **Qualifying for retirement benefits under the NFPS**

40. In determining whether a transition member with continuity of service qualifies for retirement benefits under the NFPS, the member's qualifying service includes the total of—

- (a) the member's qualifying service under the NFPS; and
- (b) the member's qualifying service under this scheme.

### **Qualifying for retirement benefits under the 1992 Scheme**

41. In determining whether a transition member with continuity of service qualifies for retirement benefits under the 1992 Scheme, the member's qualifying service includes the total of—

- (a) the member's qualifying service under the 1992 Scheme; and
- (b) the member's qualifying service under this scheme.

### **Final salary link not to apply again to a pension in payment under the NFPS**

42. Where any element of a pension under the NFPS which is in payment under that Scheme has been calculated by reference to Schedule 7 (final salary link) to the 2013 Act, that element of the pension is not recalculated by reference to Schedule 7 in consequence of a subsequent period of pensionable public service (within the meaning of paragraph 3 of Schedule 7 to the 2013 Act).

### **Final salary link not to apply again to a pension in payment under the 1992 Scheme**

43. Where any element of a pension under the 1992 Scheme which is in payment under that scheme has been calculated by reference to Schedule 7 (final salary link) to the 2013 Act, that element of the pension is not recalculated by reference to Schedule 7 (final salary link) to the 2013 Act in consequence of a subsequent period of pensionable public service (within the meaning of paragraph 3 to Schedule 7 to the Act).

## RHAN 3D

### Trosglwyddo buddion cyflog terfynol

#### Ystyr “budd cyflog terfynol”

44.—(1) Yn y Rhan hon, ystyr “budd cyflog terfynol” (“*final salary benefit*”) yw budd sydd wedi cronni o dan gynllun cyflog terfynol, yn ddarostyngedig i is-baragraff (2).

(2) Os rhan yn unig o’r hawlogaeth pensiwn, sy’n daladwy i berson neu mewn cysylltiad â pherson o dan gynllun cyflog terfynol sy’n seiliedig ar wasanaeth pensiynadwy’r person hwnnw, a benderfynir neu y caniateir ei phenderfynu drwy gyfeirio at gyflog terfynol y person hwnnw, ystyr “budd cyflog terfynol” yw’r budd y penderfynir yr hawlogaeth pensiwn mewn cysylltiad ag ef felly.

#### Derbyn taliadau gwerth trosglwyddiad clwb

45. Rhaid i unrhyw ran o daliad gwerth trosglwyddiad clwb o gynllun arall, sy’n ymwneud â budd cyflog terfynol aelod, gael ei dalu i mewn i’r CPNDT.

#### Aelod o’r cynllun hwn neu o’r CPNDT

46.—(1) Mae’r paragraff hwn yn gymwys i berson sy’n trosglwyddo buddion cyflog terfynol i mewn i’r CPNDT.

(2) Onid yw’r person yn aelod a ddiogelir o CPNDT, bydd gwasanaeth y person mewn perthynas â’r buddion cyflog terfynol a drosglwyddwyd i mewn i CPNDT yn cael ei ystyried fel gwasanaeth cymwys at ddibenion y cynllun hwn, a bydd y person—

- (a) yn dod yn aelod o’r cynllun hwn; a
- (b) yn cael ei ystyried fel aelod trosiannol sydd â pharhad gwasanaeth.”

## ATODLEN 2 Rheoliad 3

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

1. Yn Rhan 1 (enwi a dehongli), yn rheol 2(1)—

- (a) yn y manau priodol, mewnosoder—  
“mae i “aelod arbennig cysylltiedig” (“*connected special member*”) yr ystyr a roddir yn rheol 1D o Ran 2;”;

## PART 3D

### Transfer of final salary benefits

#### Meaning of “final salary benefit”

44.—(1) In this Part, “final salary benefit” (“*budd cyflog terfynol*”) means benefit accrued under a final salary scheme, subject to subparagraph (2).

(2) Where only part of the pension entitlement payable under a final salary scheme to or in respect of person which is based on the pensionable service of that person is or may be determined by reference to the person’s final salary, “final salary benefit” means the benefit in respect of which the pension entitlement is so determined.

#### Acceptance of club transfer value payments

45. Any part of a club transfer value payment from another scheme that relates to a member’s final salary benefit must be paid into the NFPS.

#### Member of this scheme or the NFPS

46.—(1) This paragraph applies to a person who transfers final salary benefits into the NFPS.

(2) Unless the person is a protected member of the NFPS, the person’s service in relation to the final salary benefits which have been transferred into the NFPS is taken to be qualifying service for the purposes of this scheme and the person—

- (a) becomes a member of this scheme; and
- (b) is taken to be a transition member with continuity of service.”

## SCHEDULE 2 Regulation 3

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

1. In Part 1 (title and interpretation), in rule 2(1)—

- (a) in the appropriate places insert—  
““the 2013 Act” (“*Deddf 2013*”) means the Public Service Pensions Act 2013;”;  
““connected member” (“*aelod cysylltiedig*”) has the meaning given in rule 1C of Part 2;”;

“mae i “aelod cysylltiedig” (“*connected member*”) yr ystyr a roddir yn rheol 1C o Ran 2;”;

“mae i “aelod trosiannol” (“*transition member*”) yr ystyr a roddir ym mharagraff 1 o Atodlen 2 i Reoliadau 2015;”;

“mae i “cyflogaeth gynllun” (“*scheme employment*”) mewn perthynas â Chynllun 2015 yr ystyr a roddir yn rheoliad 15 o Reoliadau 2015;”;

“ystyr “cyswllt cyflog terfynol” (“*final salary link*”) yw’r cyswllt cyflog terfynol sy’n gymwys pan fo gofynion paragraff 1 neu baragraff 2 o Atodlen 7 i Ddeddf 2013 wedi eu bodloni;”;

“ystyr “Deddf 2013” (“*the 2013 Act*”) yw Deddf Pensiynau’r Gwasanaethau Cyhoeddus 2013;”;

“mae i “dyddiad cau diogelwch taprog” (“*tapered protection closing date*”) yr ystyr a roddir ym mharagraff 3 o Atodlen 2 i Reoliadau 2015;”;

“ystyr “dyddiad cau’r cynllun” (“*scheme closing date*”) yw 31 Mawrth 2015;”;

“ystyr “dyddiad trosiant” (“*transition date*”) yw—

- (a) os yw’r aelod-ddiffoddwr tân neu’r aelod-ddiffoddwr tân arbennig yn aelod diogelwch taprog o’r Cynllun hwn, y dyddiad ar ôl y dyddiad cau diogelwch taprog ar gyfer yr aelod hwnnw;
- (b) os nad yw’r aelod-ddiffoddwr tân neu’r aelod-ddiffoddwr tân arbennig yn aelod diogelwch llawn o’r Cynllun hwn nac yn aelod diogelwch taprog o’r Cynllun hwn, y dyddiad ar ôl dyddiad cau’r cynllun; neu
- (c) y dyddiad y peidiodd yr aelod â bod yn aelod diogelwch llawn o’r Cynllun hwn;”;

“mae i “parhad gwasanaeth” (“*continuity of service*”) yr ystyr a roddir ym mharagraff 2 o Atodlen 2 i Reoliadau 2015;”;

“mae i “pensiwn parhaus” (“*continued pension*”) yr ystyr a roddir yn rheol 1B o Ran 3;”;

“mae i “swm cyfwerth â’r pensiwn afiechyd haen isaf CPNDT” (“*equivalent amount to the NFPS lower tier ill-health pension*”) yr ystyr a roddir yn rheoliad 74(5) o Reoliadau 2015;”;

““connected special member” (“*aelod arbennig cysylltiedig*”) has the meaning given in rule 1D of Part 2;”;

““continued pension” (“*pensiwn parhaus*”) has the meaning given in rule 1B of Part 3;”;

““continuity of service” (“*parhad gwasanaeth*”) has the meaning given in paragraph 2 of Schedule 2 to the 2015 Regulations;”;

““equivalent amount to the NFPS lower tier ill-health pension” (“*swm cyfwerth â’r pensiwn afiechyd haen isaf CPNDT*”) has the meaning given in regulation 74(5) of the 2015 Regulations;”;

““final salary link” (“*cyswllt cyflog terfynol*”) means the final salary link which applies when the requirements of paragraph 1 or paragraph 2 of Schedule 7 to the 2013 Act are met;”;

““scheme closing date” (“*dyddiad cau’r cynllun*”) means 31 March 2015;”;

““scheme employment” (“*cyflogaeth gynllun*”) in relation to the 2015 Scheme has the meaning given in regulation 15 of the 2015 Regulations;”;

““tapered protection closing date” (“*dyddiad cau diogelwch taprog*”) has the meaning given in paragraph 3 of Schedule 2 to the 2015 Regulations;”;

““transition date” (“*dyddiad trosiant*”) means—

- (a) if the firefighter member or the special firefighter member is a tapered protection member of this Scheme, the date after the tapered protection closing date for that member;
- (b) if the firefighter member or special firefighter member is not a full protection member of this Scheme or a tapered protection member of this Scheme, the date after the scheme closing date; or
- (c) the date on which the member ceased to be a full protection member of this Scheme;”;

““transition member” (“*aelod trosiannol*”) has the meaning given in paragraph 1 of Schedule 2 to the 2015 Regulations;”;

(b) yn lle'r diffiniad o "Actiwari'r Cynllun" rhodder—

"ystyr "Actiwari'r Cynllun" ("*Scheme Actuary*") yw'r actiwari a benodwyd gan Weinidogion Cymru o dan reoliad 159 (penodi actiwari'r cynllun) o Reoliadau 2015;"

(c) yn lle'r diffiniad o "aelod arbennig" rhodder—

"ystyr "aelod arbennig" ("*special member*") yw—

- (a) aelod-ddiffoddwr tân arbennig,
- (b) aelod gohiriedig arbennig,
- (c) aelod-bensiynwr arbennig,
- (ch) aelod arbennig cysylltiedig;"

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

(a) ar ôl rheol 1A (aelodaeth arbennig) mewnosoder—

#### **"Diweddu aelodaeth diffoddwr tân ac aelodaeth diffoddwr tân arbennig"**

1B. Mae person yn peidio â bod yn aelod-ddiffoddwr tân neu'n aelod-ddiffoddwr tân arbennig o'r Cynllun hwn—

- (a) os nad yw'r aelod yn aelod diogelwch llawn o'r Cynllun hwn neu'n aelod diogelwch taprog o'r Cynllun hwn, ar ddyddiad cau'r cynllun;
- (b) os yw'r aelod yn aelod diogelwch taprog o'r Cynllun hwn, ar y dyddiad cau diogelwch taprog neu, os yw'n gynharach, ar y dyddiad y mae'r aelod yn peidio â bod yn aelod diogelwch taprog;
- (c) os yw'r aelod yn aelod diogelwch llawn o'r Cynllun hwn, ar y dyddiad y mae'r aelod yn ymddeol o gyflogaeth gynllun yng Nghynllun 2015 neu, os yw'n gynharach, ar y dyddiad y mae'r aelod yn peidio â bod yn aelod diogelwch llawn o'r Cynllun hwn.

#### **Aelodaeth safonol o'r Cynllun hwn ar ôl y dyddiad trosiant**

1C.—(1) Yn achos aelod safonol o'r Cynllun hwn y mae rheol 1B yn gymwys iddo ac sy'n ymuno â Chynllun 2015 gyda pharhad gwasanaeth—

(b) for the definition of "Scheme Actuary" substitute—

"Scheme Actuary" ("*Actiwari'r Cynllun*") means the actuary appointed by the Welsh Ministers under regulation 159 (appointment of scheme actuary) of the 2015 Regulations;"

(c) for the definition of "special member" substitute—

"special member" ("*aelod arbennig*") means—

- (a) a special firefighter member,
- (b) a special deferred member,
- (c) a special pensioner member,
- (d) a connected special member;"

2. In Part 2 (scheme membership, cessation and retirement)—

(a) after rule 1A (special membership) insert—

#### **"Cessation of firefighter membership and special firefighter membership"**

1B. A person ceases to be a firefighter member or a special firefighter member of this Scheme—

- (a) where the member is not a full protection member of this Scheme or a tapered protection member of this Scheme, on the scheme closing date;
- (b) where the member is a tapered protection member of this Scheme, on the tapered protection closing date or, if earlier, on the date on which the member ceases to be a tapered protection member;
- (c) where the member is a full protection member of this Scheme, on the date on which the member retires from scheme employment in the 2015 Scheme or, if earlier, on the date on which the member ceases to be a full protection member of this Scheme.

#### **Standard membership of this Scheme after the transition date**

1C.—(1) In the case of a standard member of this Scheme to whom rule 1B applies and who joins the 2015 Scheme with continuity of service—

- (a) os yw'r person (P) hwnnw yn parhau mewn gwasanaeth pensiynadwy yn y Cynllun hwnnw, mae P yn aelod cysylltiedig o'r Cynllun hwn mewn cysylltiad â'r aelodaeth y mae paragraff (4) yn gymwys iddi;
- (b) os yw P yn optio allan o wasanaeth pensiynadwy yng Nghynllun 2015 neu'n gadael cyflogaeth gynllun yng Nghynllun 2015 cyn cyrraedd oedran ymddeol arferol, mae P yn aelod gohiriedig o'r Cynllun hwn;
- (c) os yw P yn optio i mewn i Gynllun 2015 neu'n ymgymryd â chyflogaeth gynllun yng Nghynllun 2015 a pharagraff (2) yn gymwys, mae P eto'n aelod cysylltiedig o'r Cynllun hwn.

(2) Mae'r paragraff hwn yn gymwys os yw P yn dychwelyd i wasanaeth pensiynadwy o dan Gynllun 2015 ar ôl bwlch mewn gwasanaeth pensiynadwy nad yw'n hwy na 5 mlynedd.

(3) Yn achos aelod safonol o'r Cynllun hwn y mae rheol 1B yn gymwys iddo ac sy'n ymuno â Chynllun 2015 gyda bwlch mewn gwasanaeth pensiynadwy o fwy na 5 mlynedd, mae'r aelod hwnnw'n aelod gohiriedig o'r Cynllun hwn.

(4) Mae'r paragraff hwn yn gymwys mewn perthynas â'r cyfrif aelod actif o Gynllun 2015 yr ychwanegwyd ato wasanaeth cymwys yr aelodaeth o'r Cynllun hwn at ddibenion rheoliad 66 (gwasanaeth cymwys) o Reoliadau 2015, neu, os trosglwyddwyd y cofnodion o'r cyfrif i gyfrif aelod actif arall o dan reoliad 158 (trosglwyddo cofnodion cyfrif pensiwn) o'r Rheoliadau hynny, i'r cyfrif aelod actif hwnnw.

#### **Aelodaeth arbennig o'r Cynllun hwn ar ôl y dyddiad trosiant**

**1D.**—(1) Yn achos aelod arbennig o'r Cynllun hwn y mae rheol 1B yn gymwys iddo—

- (a) os oedd y person hwnnw (A) yn aelod-ddiffoddwr tân arbennig o'r Cynllun hwn a ymunodd â Chynllun 2015 yn union wedi i reol 1B ddod yn gymwys i A, neu a oedd wedi ymuno â'r Cynllun hwn fel aelod arbennig ar neu ar ôl y dyddiad y daeth rheol 1B yn gymwys i A, mae A yn aelod arbennig cysylltiedig o'r Cynllun hwn mewn cysylltiad â'r aelodaeth y mae paragraff (2) yn gymwys iddi;

(a) if that person (P) remains in pensionable service in that Scheme, P is a connected member of this Scheme in respect of the membership to which paragraph (4) applies;

(b) if P opts out of pensionable service in the 2015 Scheme or leaves scheme employment in the 2015 Scheme before reaching normal retirement age, P is a deferred member of this Scheme;

(c) if P opts into the 2015 Scheme or takes up scheme employment in the 2015 Scheme and paragraph (2) applies, P is again a connected member of this Scheme.

(2) This paragraph applies if P re-enters pensionable service under the 2015 Scheme after a gap in pensionable service not exceeding 5 years.

(3) In the case of a standard member of this Scheme to whom rule 1B applies and who joins the 2015 Scheme with a gap in pensionable service of more than 5 years, that member is a deferred member of this Scheme.

(4) This paragraph applies in relation to the active member's account of the 2015 Scheme to which the qualifying service of the membership of this Scheme was added for the purposes of regulation 66 (qualifying service) of the 2015 Regulations or, if the entries from the account were transferred to another active member's account under regulation 158 (transfer of pension account entries) of those Regulations, to that active member's account.

#### **Special membership of this Scheme after the transition date**

**1D.**—(1) In the case of a special member of this Scheme to whom rule 1B applies—

- (a) if that person (S) was a special firefighter member of this Scheme who joins the 2015 Scheme immediately after rule 1B applied to S, or who had joined this Scheme as a special member on or after the date on which rule 1B applied to S, S is a connected special member of this Scheme in respect of the membership to which paragraph (2) applies;

- (b) os oedd y person hwnnw (G) yn aelod-ddiffoddwr tân arbennig o'r Cynllun hwn a ymunodd â Chynllun 2015 gyda bwlch mewn gwasanaeth pensiynadwy wedi i reol 1B ddod yn gymwys i G, neu a oedd wedi ymuno â'r Cynllun hwn fel aelod arbennig gyda bwlch mewn gwasanaeth pensiynadwy ar ôl y dyddiad y daeth rheol 1B yn gymwys i G, mae G yn aelod gohiriedig arbennig o'r Cynllun hwn mewn cysylltiad â'r aelodaeth y mae paragraff (2) yn gymwys iddi;
- (c) os yw A yn optio allan o wasanaeth pensiynadwy yng Nghynllun 2015 neu'n gadael cyflogaeth gynllun cyn cyrraedd oedran ymddeol arferol, mae A yn aelod gohiriedig arbennig o'r Cynllun hwn.

(2) Mae'r paragraff hwn yn gymwys mewn perthynas â'r cyfrif aelod actif o Gynllun 2015 yr ychwanegwyd ato wasanaeth cymwys yr aelodaeth o'r Cynllun hwn at ddibenion rheoliad 66 (gwasanaeth cymwys) o Reoliadau 2015, neu, os trosglwyddwyd y cofnodion o'r cyfrif i gyfrif aelod actif arall o dan reoliad 158 (trosglwyddo cofnodion cyfrif pensiwn) o'r Rheoliadau hynny, i gyfrif yr aelod hwnnw.

#### **Aelodaeth o'r Cynllun hwn pan delir dyfarniad afiechyd o Gynllun 2015**

**1E.**—(1) Mae person sydd â hawl ganddo i gael taliad o swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT o dan Gynllun 2015 yn parhau'n aelod cysylltiedig neu'n aelod arbennig cysylltiedig o'r Cynllun hwn.

(2) Mae person a oedd â hawl ganddo i gael dyfarniad afiechyd o dan y Cynllun hwn neu o dan Gynllun 2015 ac sy'n derbyn cynnig o gyflogaeth y cyfeirir ato yn rheol 2 o Ran 9 o'r Cynllun hwn neu y cyfeirir ato yn rheoliad 78(3)(b) o Gynllun 2015 yn parhau'n aelod cysylltiedig neu'n aelod arbennig cysylltiedig o'r Cynllun hwn.”;

- (b) yn rheol 3 (yr oedran ymddeol arferol a'r oedran buddion arferol), ar ôl paragraff (4) mewnosoder—

“(5) Oedran ymddeol arferol aelodau cysylltiedig yw 60 oed.

(6) Oedran ymddeol arferol aelodau arbennig cysylltiedig yw 55 oed.”; ac

- (b) if that person (D) was a special firefighter member of this Scheme who joins the 2015 Scheme with a gap in pensionable service after rule 1B applied to D, or who had joined this Scheme as a special member with a gap in pensionable service after the date on which rule 1B applied to D, D is a special deferred member of this Scheme in respect of the membership to which paragraph (2) applies;

- (c) if S opts out of pensionable service in the 2015 Scheme or leaves scheme employment under the 2015 Scheme before reaching normal retirement age, S is a special deferred member of this Scheme.

(2) This paragraph applies in relation to the active member's account of the 2015 Scheme to which the qualifying service of the membership of this Scheme was added for the purposes of regulation 66 (qualifying service) of the 2015 Regulations or, if the entries from the account were transferred to another active member's account under regulation 158 (transfer of pension account entries) of those Regulations, to that member's account.

#### **Membership of this Scheme where ill-health award paid from 2015 Scheme**

**1E.**—(1) A person who is entitled to the payment of an equivalent amount to the NFPS lower tier ill-health pension under the 2015 Scheme continues to be a connected member, or connected special member of this Scheme.

(2) A person who was entitled to an ill-health award under this Scheme or under the 2015 Scheme and who accepts an offer of employment referred to in rule 2 of Part 9 of this Scheme or referred to in regulation 78(3)(b) of the 2015 Scheme, continues to be a connected member, or a connected special member, of this Scheme.”;

- (b) in rule 3 (normal retirement age and normal benefit age), after paragraph (4) insert—

“(5) The normal retirement age of connected members is 60.

(6) The normal retirement age of connected special members is 55.”; and

- (c) yn rheol 4 (diwrnod olaf aelodaeth)—
- (i) ym mharagraff (1) yn lle “Pan fo aelod-ddiffoddwr tân” rhodder “Yn ddarostyngedig i baragraffau (3) i (5), pan fo aelod-ddiffoddwr tân”;

- (ii) ar ôl paragraff (2) mewnosoder—

“(3) Bernir mai diwrnod olaf aelodaeth aelod-ddiffoddwr tân neu aelod-ddiffoddwr tân arbennig, nad yw’n aelod diogelwch llawn o’r Cynllun hwn nac yn aelod diogelwch taprog o’r Cynllun hwn, yw dyddiad cau’r cynllun.

(4) Bernir mai diwrnod olaf aelodaeth aelod-ddiffoddwr tân neu aelod-ddiffoddwr tân arbennig, sy’n aelod diogelwch taprog o’r Cynllun hwn, yw’r dyddiad cau diogelwch taprog neu, os yw’n gynharach, y dyddiad y bydd yr aelod hwnnw’n peidio â bod yn aelod diogelwch taprog.

(5) Bernir mai diwrnod olaf aelodaeth aelod-ddiffoddwr tân neu aelod-ddiffoddwr tân arbennig, sy’n aelod diogelwch llawn o’r Cynllun hwn, yw’r dyddiad y mae’r aelod hwnnw’n peidio â bod yn aelod diogelwch llawn o’r Cynllun hwn.”

### 3. Yn Rhan 3 (dyfarndaliadau personol)—

- (a) yn rheol 1 (pensiwn cyffredin), ar ôl paragraff (1) mewnosoder—

“(1A) Yn ddarostyngedig i baragraff (2), mae’r rheol hon yn gymwys i aelod cysylltiedig o’r Cynllun hwn a oedd yn aelod-ddiffoddwr tân o’r Cynllun hwn, sy’n bodloni amod cymhwyster ac sy’n ymddeol o gyflogaeth gynllun yng Nghynllun 2015 ar ôl cyrraedd yr oedran ymddeol arferol o dan y Cynllun hwn.”;

- (b) yn rheol 1A (pensiwn cyffredin aelod arbennig), ar ôl paragraff (1) mewnosoder—

“(1A) Yn ddarostyngedig i baragraff (2), mae’r rheol hon yn gymwys i aelod arbennig cysylltiedig o’r Cynllun hwn, sy’n bodloni amod cymhwyster arbennig ac sy’n ymddeol o gyflogaeth gynllun yng Nghynllun 2015 ar ôl cyrraedd yr oedran ymddeol arferol.”;

- (c) ar ôl rheol 1A (pensiwn cyffredin aelod arbennig) mewnosoder—

- (c) in rule 4 (last day of membership)—

- (i) in paragraph (1) for “Where a firefighter member” substitute “Subject to paragraphs (3) to (5), where a firefighter member”;

- (ii) after paragraph (2) insert—

“(3) The last day of membership of a firefighter member or a special firefighter member, who is not a full protection member of this Scheme or a tapered protection member of this Scheme, is to be taken as the scheme closing date.

(4) The last day of membership of a firefighter member or a special firefighter member, who is a tapered protected member of this Scheme, is to be taken as the tapered protection closing date or, if earlier, the date on which that member ceases to be a tapered protection member.

(5) The last day of membership of a firefighter member or a special firefighter member who is a full protection member of this Scheme is to be taken as the date on which that member ceases to be a full protection member of this Scheme.”

### 3. In Part 3 (personal awards)—

- (a) in rule 1 (ordinary pension), after paragraph (1) insert—

“(1A) Subject to paragraph (2), this rule applies to a connected member of this Scheme who was a firefighter member of this Scheme, satisfies an eligibility condition and retires from scheme employment in the 2015 Scheme having reached normal retirement age under this Scheme.”;

- (b) in rule 1A (special member’s ordinary pension), after paragraph (1) insert—

“(1A) Subject to paragraph (2), this rule applies to a connected special member of this Scheme who satisfies a special eligibility condition and retires from scheme employment in the 2015 Scheme having reached normal retirement age.”;

- (c) after rule 1A (special member’s ordinary pension) insert—



## “Pensiwn parhaus

**1B.** Pan fo hawl gan aelod cysylltiedig, neu aelod arbennig cysylltiedig, i gael swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT o dan reoliad 74(4)(a) (hawlogoeth i bensiwn afiechyd haen isaf a phensiwn afiechyd haen uchaf) o Reoliadau 2015 a'r aelod hwnnw'n cyrraedd yr oedran ymddeol arferol o dan y Cynllun hwn, mae hawl gan yr aelod hwnnw i gael pensiwn parhaus sydd â'i swm yn hafal i gyfradd flynyddol y swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT.”;

- (d) yn rheol 3 (pensiwn gohiriedig), ar ôl paragraff (1) mewnosoder—

“(1A) Yn ddarostyngedig i baragraff (7), mae'r rheol hon yn gymwys i berson sy'n peidio â bod yn aelod-ddiffoddwr tân neu'n aelod-ddiffoddwr tân arbennig o dan reol 1B (diweddu aelodaeth diffoddwr tân ac aelodaeth diffoddwr tân arbennig) o Ran 2.

(1B) Yn ddarostyngedig i baragraff (7), mae'r rheol hon yn gymwys i aelod cysylltiedig, neu aelod arbennig cysylltiedig sydd—

- (a) yn optio allan o wasanaeth pensiyndwy yng Nghynllun 2015,
- (b) yn gadael cyflogaeth gynllun o dan Gynllun 2015 cyn cyrraedd yr oedran ymddeol arferol, neu
- (c) yn peidio â bod â'r hawl i bensiwn afiechyd haen isaf neu bensiwn afiechyd haen uchaf o dan Gynllun 2015 o ganlyniad i adolygiad o dan reoliad 78 (canlyniadau adolygu) o Reoliadau 2015 ac yn gwrthod cynnig o gyflogaeth a wneir gan yr awdurdod, y cyfeirir ato yn rheoliad 78(3)(b) o'r Rheoliadau hynny.

(1C) Mae'r rheol hon yn peidio â bod yn gymwys i aelod cysylltiedig sy'n ailymuno â Chynllun 2015 ar ôl bwlch mewn gwasanaeth pensiyndwy nad yw'n hwy na 5 mlynedd.”;

- (e) yn rheol 4 (dileu pensiwn gohiriedig)—
- (i) ym mharagraff (1) yn lle “Pan” rhodder “Yn ddarostyngedig i baragraff (4), pan”;
  - (ii) ar ôl paragraff (3) mewnosoder—

“(4) Os nad yw'r person sydd â hawl i gael pensiwn gohiriedig yn aelod a ddiogelir o'r Cynllun hwn, ni chaiff yr aelod gyfarwyddo'r awdurdod i ddileu'r pensiwn gohiriedig.

## “Continued pension

1B. Where a connected member, or connected special member, is entitled to an equivalent amount to the NFPS lower tier ill-health pension under regulation 74(4)(a) (entitlement to lower tier ill-health pension and to higher tier ill-health pension) of the 2015 Regulations and that member reaches normal retirement age under this Scheme, that member is entitled to a continued pension of an amount equal to the annual rate of the equivalent amount to the NFPS lower tier ill-health pension.”;

- (d) in rule 3 (deferred pension), after paragraph (1) insert—

“(1A) Subject to paragraph (7), this rule applies to a person who ceases to be a firefighter member or a special firefighter member under rule 1B (cessation of firefighter membership and special firefighter membership) of Part 2.

(1B) Subject to paragraph (7), this rule applies to a connected member, or a connected special member, who—

- (a) opts out of pensionable service in the 2015 Scheme,
- (b) leaves scheme employment under the 2015 Scheme before reaching normal retirement age, or
- (c) ceases to be entitled to a lower tier ill-health pension or a higher tier ill-health pension under the 2015 Scheme in consequence of a review under regulation 78 (consequences of review) of the 2015 Regulations and declines an offer of employment made by the authority referred to in regulation 78(3)(b) of those Regulations.

(1C) This rule ceases to apply to a connected member who re-joins the 2015 Scheme after a gap in pensionable service not exceeding 5 years.”;

- (e) in rule 4 (cancellation of deferred pension)—
- (i) in paragraph (1) for “Where” substitute “Subject to paragraph (4), where”;
  - (ii) after paragraph (3) insert—

“(4) Where the person entitled to receive a deferred pension is not a protected member of this Scheme, the member may not instruct the authority to cancel the deferred pension.

- (5) Os oedd y person sydd â hawl i gael pensiwn gohiriedig yn aelod cysylltiedig o'r Cynllun hwn ac yn ailymuno â Chynllun 2015 ar ôl bwlch mewn gwasanaeth pensiynadwy nad yw'n hwy na 5 mlynedd, rhaid i'r awdurdod ddileu'r pensiwn gohiriedig.”;
- (f) yn rheol 6 (pensiwn yn sgil ymddeoliad cynnar ar archiad yr awdurdod), ar ôl paragraff (3) mewnosoder—
- “(4) Pan fo awdurdod yn ystyried gwneud penderfyniad o dan reoliad 71 (ymddeoliad a ysgogir gan gyflogwr) o Reoliadau 2015 y dylai aelod actif o'r Cynllun hwnnw, sydd wedi cyrraedd yr oedran 55, gael taliad o bensiwn heb y gostyngiad talu'n gynnar, rhaid i'r awdurdod ystyried hefyd wneud penderfyniad o dan baragraff (1) o'r rheol hon.”;
- (g) yn rheol 7 (yr hawlogaeth i gael dau bensiwn), ar ôl paragraff (9) mewnosoder—
- “(10) Os yw person y mae'r rheol hon yn gymwys iddo yn berson y mae paragraff (7) o reol 1 o Ran 11 yn gymwys iddo, mae'r rheol hon yn gymwys os rhoddir, ym mharagraff (4), yn lle “tâl pensiynadwy terfynol y mae gan yr aelod hawlogaeth i'w gael ar y diwrnod olaf o aelodaeth yr aelod o'r Cynllun” y geiriau “tâl pensiynadwy terfynol fel y'i haddesir gan baragraff (7) neu (8) o reol 1 o Ran 11.”;
- (h) yn rheol 7C (budd pensiwn ychwanegol: darpariaethau atodol)—
- (i) ar ôl paragraff (2) mewnosoder—
- “(2A) Pan fo rheol 1B o Ran 2 yn gymwys i berson (P) nad yw'n aelod cysylltiedig nac â'r hawl i gael taliad o ddyfarniad afiechyd o dan reoliad 74 (hawlogaeth i bensiwn afiechyd haen isaf a phensiwn afiechyd haen uchaf) o Reoliadau 2015, mae budd pensiwn ychwanegol yn daladwy ar yr oedran buddion arferol, ac mae paragraffau (4) i (6) o reol 3 (pensiwn gohiriedig) yn gymwys mewn perthynas â'r budd hwnnw fel pe bai'n bensiwn gohiriedig y mae hawl gan P i'w gael o dan y rheol honno.”;
- (ii) ar ôl paragraff (3) mewnosoder—
- “(3A) Pan fo hawl gan yr aelod-ddiffoddwr tân i gael dyfarniad afiechyd o dan reoliad 74 o Reoliadau 2015, mae budd pensiwn ychwanegol yn daladwy o dan y Cynllun hwn yr un pryd ag y mae'r swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT yn daladwy o dan Gynllun 2015.”;
- (5) Where the person entitled to receive a deferred pension was a connected member of this Scheme and re-joins the 2015 Scheme after a gap in pensionable service not exceeding 5 years, the authority must cancel the deferred pension.”;
- (f) in rule 6 (pension on authority-initiated retirement), after paragraph (3) insert—
- “(4) Where an authority is considering making a determination under regulation 71 (employer initiated retirement) of the 2015 Regulations that an active member of that Scheme who has attained the age of 55 should receive the payment of a pension without the early payment reduction, the authority must also consider making a determination under paragraph (1) of this rule.”;
- (g) in rule 7 (entitlement to two pensions), after paragraph (9) insert—
- “(10) Where a person to whom this rule applies is a person to whom paragraph (7) of rule 1 of Part 11 applies, this rule applies with the substitution in paragraph (4) for “final pensionable pay to which the member is entitled on the last day of the member’s membership of the Scheme” with “final pensionable pay as modified by paragraph (7) or (8) of rule 1 of Part 11.”;
- (h) in rule 7C (additional pension benefit: supplementary provisions)—
- (i) after paragraph (2) insert—
- “(2A) Where rule 1B of Part 2 applies to a person (P) who is not a connected member or entitled to the payment of an ill-health award under regulation 74 (entitlement to lower tier ill-health pension and higher tier ill-health pension) of the 2015 Regulations, additional pension benefit is payable at normal benefit age; paragraphs (4) to (6) of rule 3 (deferred pension) apply in relation to that benefit as if it were a deferred pension to which P was entitled under that rule.”;
- (ii) after paragraph (3) insert—
- “(3A) Where the firefighter member is entitled to an ill-health award under regulation 74 of the 2015 Regulations, additional pension benefit is payable under this Scheme at the same time as the equivalent amount to the NFPS lower tier ill-health pension is payable under the 2015 Scheme.”;

- (i) yn rheol 9 (cymudo: cyffredinol)—
  - (i) ym mharagraff (1) yn lle “Yn ddarostyngedig i baragraffau (3) a (4)” rhodder “Yn ddarostyngedig i baragraffau (1B), (3) a (4)”;
  - (ii) ar ôl paragraff (1) mewnosoder—
 

“(1A) Mae’r rheol hon yn gymwys i swm cyfwerth â’r pensiwn afiechyd haen isaf CPNDT a gynhwysir yng nghyfradd flynyddol pensiwn ymddeol ar gyfer y person o dan reoliad 68(2)(ba) o Reoliadau 2015.

(1B) Pan fo hawl gan berson i gael pensiwn parhaus o dan reol 1B, ni chaiff y person hwnnw gymudo cyfran o’r pensiwn hwnnw o dan y rheol hon.”;
- (j) yn rheol 11 (dyrannu pensiwn), ym mharagraff (1), ar ôl “Caiff aelod-ddiffoddwr tân,” mewnosoder “, aelod cysylltiedig neu aelod arbennig cysylltiedig”.

**4. Yn Rhan 10 (gwasanaeth cymhwysol a gwasanaeth pensiynadwy)—**

- (a) yn rheol 1 (gwasanaeth cymhwysol), ar ôl paragraff (f) hepgorer “ac” ac ar ôl paragraff (ff) mewnosoder—
 

“ac

  - (g) unrhyw gyfnod o wasanaeth pensiynadwy ar gyfer y cyfrif aelod actif o dan Gynllun 2015 yr ychwanegwyd gwasanaeth cymhwysol y person ato at ddibenion gwasanaeth cymhwysol yng Nghynllun 2015.”;
- (b) ar ôl rheol 3 (gwasanaeth anghyfrifadwy) mewnosoder—

**“Y cyfnod ar ôl y dyddiad trosiant**

**3A.** Nid yw cyfnod o wasanaeth neu o absenoldeb neu absenoldeb di-dâl ar ôl dyddiad trosiant person yn gyfrifadwy fel gwasanaeth pensiynadwy nac fel gwasanaeth pensiynadwy arbennig o dan y Cynllun hwn.”

**5. Yn Rhan 11 (tâl pensiynadwy, cyfraniadau pensiwn a phrynu gwasanaeth ychwanegol), ym Mhennod 1 (tâl pensiynadwy a chyfraniadau pensiwn)—**

- (a) yn rheol 1 (tâl pensiynadwy)—
  - (i) ym mharagraff (1) yn lle “Yn ddarostyngedig i baragraffau (3) a (6) a rheol 3(3)” rhodder “Yn ddarostyngedig i baragraffau (3), (6) a (7) a rheol 3(3)”;
  - (ii) ar ôl paragraff (6) mewnosoder—

- (i) in rule 9 (commutation: general)—
  - (i) in paragraph (1) for “Subject to paragraphs (3) and (4)” substitute “Subject to paragraphs (1B), (3) and (4)”;
  - (ii) after paragraph (1) insert—
 

“(1A) This rule applies to an equivalent amount of the NFPS lower tier ill-health pension included in the annual rate of a retirement pension for the person under regulation 68(2)(ba) of the 2015 Regulations.

(1B) Where a person is entitled to a continued pension under rule 1B, that person may not commute a portion of that pension under this rule.”;
- (j) in rule 11 (allocation of pension), in paragraph (1), after “A firefighter member” insert “, a a connected member or a connected special member”.

**4. In Part 10 (qualifying service and pensionable service)—**

- (a) in rule 1 (qualifying service), after paragraph (h) omit “and” and after paragraph (i) insert—
 

“and

  - (j) any period of pensionable service for the active member’s account under the 2015 Scheme to which the person’s qualifying service had been added for the purposes of qualifying service in the 2015 Scheme.”;
- (b) after rule 3 (non-reckonable service) insert—

**“Period after transition date**

**3A.** A period of service or of leave or unpaid leave after a person’s transition date is not reckonable as pensionable service or as special pensionable service under this Scheme.”

**5. In Part 11 (pensionable pay, pension contributions and purchase of additional service), in Chapter 1 (pensionable pay and pension contributions)—**

- (a) in rule 1 (pensionable pay)—
  - (i) in paragraph (1) for “Subject to paragraphs (3) and (6) and rule 3(3)” substitute “Subject to paragraphs (3), (6) and (7) and rule 3(3)”;
  - (ii) after paragraph (6) insert—

“(7) Yn ddarostyngedig i baragraffau (8) a (9), os bu rheol 1B o Ran 2 yn gymwys i aelod o’r Cynllun hwn sydd wedi ymuno â Chynllun 2015 gyda pharhad gwasanaeth, a pharagraff 1 neu 2 o Atodlen 7 (cyswllt cyflog terfynol) i Ddeddf 2013 yn gymwys i’r person hwnnw, nid yw paragraff (1) o’r rheol hon yn gymwys, a phenderfynir y tâl pensiynadwy terfynol yn unol ag Atodlen 7, fel bod tâl pensiynadwy’r aelod o dan Reoliadau 2015 (fel y’i haddesir gan baragraff 33 o Atodlen 2 i’r Rheoliadau hynny) sy’n deillio o wasanaeth yng Nghynllun 2015 i’w ystyried fel tâl pensiynadwy sy’n deillio o wasanaeth yn y Cynllun hwn.

(8) Pan fo paragraff (7) a pharagraff 33(4) o Atodlen 2 i Reoliadau 2015 yn gymwys i aelod o’r Cynllun hwn, y tâl pensiynadwy sydd i’w ystyried fel pe bai’n deillio o wasanaeth yn y Cynllun hwn yw’r tâl pensiynadwy sy’n deillio o wasanaeth yng Nghynllun 2015 o dan Reoliadau 2015 (fel y’i haddesir gan baragraff 33 o Atodlen 2 i’r Rheoliadau hynny) ar gyfer y flwyddyn olaf o wasanaeth pensiynadwy yng Nghynllun 2015 cyn y gostyngiad mewn tâl pensiynadwy.

(9) Pan fo paragraff 33(3) o Atodlen 2 i Reoliadau 2015 yn gymwys i aelod o’r Cynllun hwn, penderfynir y tâl pensiynadwy yn unol â pharagraff (1) o’r rheol hon, ac nid yw paragraff (7) yn gymwys.”

(b) yn rheol 2 (tâl pensiynadwy terfynol)—

(i) ym mharagraff (2) yn lle “Yn ddarostyngedig i baragraff (3)” rhodder “Yn ddarostyngedig i baragraffau (2A) a (3)”;

(ii) ar ôl paragraff (2) mewnosoder—

“(2A) Yn achos aelod cysylltiedig neu aelod gohiriedig y mae paragraff (7) o reol 1 yn gymwys iddo, ystyr “y dyddiad perthnasol” (“*the relevant date*”) yw—

(a) pan fo’r cyswllt cyflog terfynol yn gymwys, y diwrnod olaf o wasanaeth pensiynadwy yng Nghynllun 2015, neu

(b) pan fo paragraff 33(4) o Atodlen 2 i Reoliadau 2015 yn gymwys, y diwrnod olaf o wasanaeth pensiynadwy yng Nghynllun 2015 cyn y gostyngiad mewn tâl pensiynadwy yng Nghynllun 2015.”;

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

“(7) Subject to paragraphs (8) and (9), where rule 1B of Part 2 has applied to a member of this Scheme who has joined the 2015 Scheme with continuity of service and paragraph 1 or 2 of Schedule 7 (final salary link) to the 2013 Act applies to that person, paragraph (1) of this rule does not apply and final pensionable pay is determined in accordance with Schedule 7 so that the member’s pensionable pay under the 2015 Regulations (as modified by paragraph 33 of Schedule 2 to those Regulations) derived from service in the 2015 Scheme is to be regarded as pensionable pay derived from service in this Scheme.

(8) Where paragraph (7) and paragraph 33(4) of Schedule 2 to the 2015 Regulations apply to a member of this Scheme, the pensionable pay to be regarded as derived from service in this Scheme is the pensionable pay derived from service in the 2015 Scheme under the 2015 Regulations (as modified by paragraph 33 of Schedule 2 to those Regulations) for the last year of pensionable service in the 2015 Scheme before the reduction in pensionable pay.

(9) Where paragraph 33(3) of Schedule 2 to the 2015 Regulations applies to a member of this Scheme, pensionable pay is determined in accordance with paragraph (1) of this rule and paragraph (7) does not apply.”

(b) in rule 2 (final pensionable pay)—

(i) in paragraph (2) for “Subject to paragraph (3)” substitute “Subject to paragraphs (2A) and (3)”;

(ii) after paragraph (2) insert—

“(2A) In the case of a connected member or a deferred member to whom paragraph (7) of rule 1 applies, “the relevant date” (“*y dyddiad perthnasol*”) means—

(a) where the final salary link applies, the last day of pensionable service in the 2015 Scheme, or

(b) where paragraph 33(4) of Schedule 2 to the 2015 Regulations applies, the last day of pensionable service in the 2015 Scheme before the reduction of pensionable pay in the 2015 Scheme.”;

(c) in rule 4 (optional pension contributions during maternity and adoption leave)—

- (i) ym mharagraff (3) yn lle “Yn ddarostyngedig i baragraff (6)” rhodder “Yn ddarostyngedig i baragraffau (6) a (7)”;
- (ii) ar ôl paragraff (3) mewnosoder—  
“(3A) Pan fo’r aelod-ddiffoddwr tân yn dychwelyd i’r gwaith, neu’n peidio â bod yn gyflogedig, ar ôl y dyddiad trosiant, ni chaniateir gwneud y dewisiad o dan baragraff (3) ac eithrio mewn cysylltiad â’r cyfnod cyn y dyddiad trosiant.”;
- (iii) ar ôl paragraff (6) mewnosoder—  
“(7) Os yw person y mae’r rheol hon yn gymwys iddo yn aelod cysylltiedig sy’n marw cyn diwedd y cyfnod o 30 diwrnod y cyfeirir ato ym mharagraff (3) heb roi’r hysbysiad gofynnol—
- (a) bernir bod y person hwnnw wedi rhoi’r hysbysiad gofynnol, a
- (b) o ran yr awdurdod—
- (i) rhaid iddo roi i gynrychiolwyr personol y person ddatganiad o swm y cyfraniadau sy’n ddyledus; a
- (ii) gyda chydsyniad y cynrychiolwyr personol, caiff gasglu’r cyfraniadau drwy ddiwynnu y swm sy’n ofynnol o unrhyw gyfandaliad budd marwolaeth sy’n daladwy o dan reoliad 105 (cyfandaliad sy’n daladwy ar farwolaeth aelod actif) o Reoliadau 2015.”;
- (d) yn rheol 6A (dewis prynu gwasanaeth yn ystod y cyfnod cyfyngedig)—
- (i) ar ôl paragraff (7) mewnosoder—  
“(7A) Rhaid i berson sy’n bwriadu ymuno â’r Cynllun hwn fel aelod arbennig cysylltiedig wneud y dewisiad ym mharagraff (7) a phan fo person yn dewis ymuno â’r Cynllun hwn fel aelod arbennig cysylltiedig, rhaid trin y cyfeiriad at “aelod-ddiffoddwr tân arbennig” yn y rheol hon ac yn rheol 6B fel pe bai’n cyfeirio at “aelod arbennig cysylltiedig”.”;
- (ii) ar ôl paragraff (9) mewnosoder—  
“(9A) Os nad yw aelod-ddiffoddwr tân arbennig wedi talu’r holl gyfraniadau pensiwn cyfnod arbennig gorfodol cyn y dyddiad pan fo rheol 1B o Ran 2 yn gymwys i’r aelod hwnnw, caiff yr aelod barhau i dalu’r cyfraniadau hynny ar ôl y dyddiad hwnnw.”;
- (i) in paragraph (3) for “Subject to paragraph (6)” substitute “Subject to paragraphs (6) and (7)”;
- (ii) after paragraph (3) insert—  
“(3A) Where the firefighter member returns to work, or ceases to be employed, after the transition date, the election under paragraph (3) may only be made in respect of the period before the transition date.”;
- (iii) after paragraph (6) insert—  
“(7) Where a person to whom this rule applies is a connected member who dies before the end of the period of 30 days referred to in paragraph (3) without having given the required notice—
- (a) that person is to be deemed to have given the required notice, and
- (b) the authority—
- (i) must give to that person’s personal representatives a statement of the amount of contributions due; and
- (ii) may collect the contributions with the agreement of the personal representatives by deducting the amount required from any lump sum death benefit payable under regulation 105 (lump sum payable on death of active member) of the 2015 Regulations.”;
- (d) in rule 6A (election to purchase service during the limited period)—
- (i) after paragraph (7) insert—  
“(7A) A person who intends to join this Scheme as a connected special member must make the election in paragraph (7) and where a person elects to join this Scheme as a connected special member, the reference to “special firefighter member” in this rule and rule 6B is to be treated as a referring to a “connected special member”.”;
- (ii) after paragraph (9) insert—  
“(9A) Where a special firefighter member has not paid all the mandatory special period pension contributions before the date on which rule 1B of Part 2 applies to that member, the member may continue to pay those contributions after that date.”;

- (e) yn rheol 7 (hyd y cyfnod talu cyfraniadau cyfnodol a rhoi terfyn cyn pryd ar eu talu)—
- (i) ar ddiwedd is-baragraff (c) o baragraff (2) hepgorer “neu” ac ar ôl is-baragraff (ch) mewnosoder—
- “neu
- (d) yn achos aelod cysylltiedig, neu aelod arbennig cysylltiedig, ar y dyddiad y mae'r aelod yn peidio â bod mewn gwasanaeth pensiynadwy o dan Gynllun 2015.”;

- (f) yn rheol 8 (rhoi'r gorau i gyfraniadau cyfnodol a'u hailgychwyn), ar ôl paragraff (6) mewnosoder—

“(7) Mae'r rheol hon yn gymwys i aelod cysylltiedig, neu aelod arbennig cysylltiedig, fel y mae'n gymwys i aelod-ddiffoddwr tân.”;

- (g) yn rheol 9 (cyfraniadau cyfnodol ar gyfer cyfnodau o wasanaeth di-dâl neu absenoldeb di-dâl), ar ôl paragraff (4) mewnosoder—

“(5) Mae'r rheol hon yn gymwys i aelod cysylltiedig, neu aelod arbennig cysylltiedig, fel y mae'n gymwys i aelod-ddiffoddwr tân sy'n dewis prynu gwasanaeth ychwanegol mewn cysylltiad â chyfnod o wasanaeth di-dâl neu absenoldeb di-dâl cyn y dyddiad trosiant.

(6) Os yw'r aelod cysylltiedig yn cydymffurfio â'r gofynion ym mharagraff (2), caiff y person hwnnw ei gwneud yn ofynnol bod yr awdurdod yn trin y cyfnod y cyfeirir ato ym mharagraff (5) fel gwasanaeth pensiynadwy neu, yn achos aelod arbennig cysylltiedig, fel gwasanaeth pensiynadwy arbennig.”

## 6. Yn Rhan 12 (trosglwyddiadau i mewn ac allan o'r Cynllun)—

- (a) ym Mhennod 1 (dehongli Rhan 12 a hawlogaeth i gael taliad gwerth trosglwyddo)—

- (i) yn rheol 1 (dehongli Rhan 12), yn y man priodol mewnosoder—

“ystyr “budd cyflog terfynol” (“*final salary benefit*”) yw budd sydd wedi cronni o dan gynllun cyflog terfynol fel y diffinnir “final salary scheme” yn adran 37 (dehongli cyffredinol) o Ddeddf 2013.”;

- (ii) yn rheol 2 (yr hawlogaeth i gael taliad gwerth trosglwyddo), ym mharagraff (2), ar ôl “Yn ddarostyngedig i” mewnosoder “baragraff (2A) ac i” ac ar ôl paragraff (2) mewnosoder—

- (e) in rule 7 (duration of periodical contributions and premature cessation)—

- (i) at the end of sub-paragraph (c) of paragraph (2) omit “or” and after sub-paragraph (d) insert—

“or

- (e) in the case of a connected member, or a connected special member, on the date that member ceases to be in pensionable service under the 2015 Scheme.”;

- (f) in rule 8 (discontinuance and resumption of periodical contributions), after paragraph (6) insert—

“(7) This rule applies to a connected member, or connected special member, as it applies to a firefighter member.”;

- (g) in rule 9 (periodical contributions in respect of periods of unpaid service or absence), after paragraph (4) insert—

“(5) This rule applies to a connected member, or a connected special member, as it applies to a firefighter member who elects to purchase additional service in respect of a period of unpaid service or unpaid leave before the transition date.

(6) Where the connected member complies with the requirements in paragraph (2) that person may require the authority to treat the period referred to in paragraph (5) as pensionable service or in the case of a connected special member as special pensionable service.”

## 6. In Part 12 (transfers into and out of the Scheme)—

- (a) in Chapter 1 (interpretation of Part 12 and entitlement to transfer value payment)—

- (i) in rule 1 (interpretation of Part 12), in the appropriate place insert—

““final salary benefit” (“*budd cyflog terfynol*”) means benefit accrued under a final salary scheme as defined in section 37 (general interpretation) of the 2013 Act.”;

- (ii) in rule 2 (entitlement to transfer value payment), in paragraph (2), after “Subject to” insert “paragraph (2A) and to” and after paragraph (2) insert—

“(2A) Nid oes hawl gan aelod trosiannol (T), sy’n aelod cysylltiedig o’r Cynllun hwn neu sydd wedi cael pensiwn afiechyd haen isaf o dan Gynllun 2015, i’w gwneud yn ofynnol bod taliad gwerth trosglwyddo yn cael ei wneud mewn cysylltiad â’r hawliau i gael buddion sydd wedi cronni ar gyfer, neu mewn cysylltiad â, T o dan y Cynllun hwn.”;

(b) ym Mhennod 3 (trosglwyddiadau i mewn i’r Cynllun)—

(i) yn rheol 8 (ceisiadau am dderbyn taliad gwerth trosglwyddo o gynllun arall), ar ôl paragraff (3) mewnosoder—

“(4) Caiff person sy’n aelod a ddiogelir o’r Cynllun hwn, neu berson sy’n dod yn aelod actif o Gynllun 2015, wneud cais i daliad gwerth trosglwyddo o gynllun pensiwn gwasanaeth cyhoeddus arall, sy’n gynllun cyflog terfynol neu sy’n cynnwys budd cyflog terfynol, gael ei dderbyn gan yr awdurdod at ddibenion y Cynllun hwn.”;

(ii) yn rheol 9 (y weithdrefn ar gyfer ceisiadau o dan reol 8), ym mharagraff (2) yn lle “Yn ddarostyngedig i baragraff (4)” rhodder “Yn ddarostyngedig i baragraffau (4) a (5),” ac ar ôl paragraff (4) mewnosoder—

“(5) Pan wneir y cais gan berson sy’n ymuno â’r Cynllun hwn fel aelod-ddiffoddwr tân (ac eithrio aelod-ddiffoddwr tân arbennig) rhaid gwneud y cais o fewn un flwyddyn wedi i’r person ddod yn aelod-ddiffoddwr tân o’r Cynllun hwn neu o fewn un flwyddyn wedi i’r person ddod yn aelod actif o Gynllun 2015, yn ôl fel y digwydd.”;

(iii) yn rheol 10 (derbyn taliadau gwerth trosglwyddo), ym mharagraff (1) yn lle “Yn ddarostyngedig i baragraff (3) isod” rhodder “Yn ddarostyngedig i baragraffau (3) a (4) isod” ac ar ôl paragraff (3) mewnosoder—

“(4) Os gwneir y cais o dan reol 8 gan berson y mae paragraff (4) o’r rheol honno’n gymwys iddo, nid yw paragraffau (2) a (3) (terfyn ar swm uchaf y gwasanaeth pensiynadwy y caniateir ei gronni) o reol 2 o Ran 10 yn gymwys i’r taliad gwerth trosglwyddo hwnnw a rhaid i’r awdurdod dderbyn y talid gwerth trosglwyddo onid yw paragraff (3) o’r rheol hon yn gymwys.”.

7. Yn Rhan 15 (darpariaethau amrywiol), ar ôl rheol 4 (datganiadau blynyddol o fuddion) mewnosoder—

“(2A) A transition member (T), who is a connected member of this Scheme or has received a lower tier ill-health pension under the 2015 Scheme, is not entitled to require the payment of a transfer value in respect of the rights to benefits that have accrued to or in respect of T under this Scheme.”;

(b) in Chapter 3 (transfers into the Scheme)—

(i) in rule 8 (applications for acceptance of transfer value payment from another scheme), after paragraph (3) insert—

“(4) A person who is a protected member of this Scheme, or a person who becomes an active member of the 2015 Scheme, may apply for a transfer value payment from another public service pension scheme which is a final salary scheme, or includes final salary benefit, to be accepted by the authority for the purposes of this Scheme.”;

(ii) in rule 9 (procedure for applications under rule 8), in paragraph (2) for “Subject to paragraph (4)” substitute “Subject to paragraphs (4) and (5),” and after paragraph (4) insert—

“(5) Where the application is made by a person who joins this Scheme as firefighter member (other than as a special firefighter member) the application must be made within one year of the person becoming a firefighter member of this Scheme or within one year of the person becoming an active member of the 2015 Scheme, as the case may be.”;

(iii) in rule 10 (acceptance of transfer value payments), in paragraph (1) for “Subject to paragraph (3) below” substitute “Subject to paragraphs (3) and (4) below” and after paragraph (3) insert—

“(4) Where the application under rule 8 is made by a person to whom paragraph (4) of that rule applies, paragraphs (2) and (3) (limit on maximum amount of pensionable service that may be accrued) of rule 2 of Part 10 do not apply to that transfer value payment and the authority must accept the transfer value payment unless paragraph (3) of this rule applies.”

7. In Part 15 (miscellaneous provisions), after rule 4 (annual benefit statements) insert—

### “Prisiadau actiwaraidd

4A. Pan fo actiwari’r cynllun yn cyflawni prisiad o Gynllun 2015 ac mae’n ofynnol iddo gyflawni prisiad o’r Cynllun hwn, rhaid i’r awdurdod ddarparu i actiwari’r cynllun unrhyw ddata sy’n ofynnol gan actiwari’r cynllun er mwyn cyflawni prisiad a pharatoi adroddiad ar y prisiad.”

8. Yn Atodiad 1 (pensiynau afiechyd), ar ôl paragraff (6) mewnosoder—

“(7) Pan fo hawl gan aelod cysylltiedig neu aelod arbennig cysylltiedig o’r Cynllun hwn i gael taliad o swm cyfwerth â phensiwn afiechyd haen isaf, rhaid cyfrifo’r swm hwnnw yn unol â pharagraff (1) o’r atodiad hwn.”

### ATODLEN 3 Rheoliad 4

#### Diwygio Atodlen 2 i Orchymyn Cynllun Pensiwn y Dynion Tân 1992

1. Yn Rhan A (darpariaethau cyffredinol ac ymddeol)—

- (a) yn rheol A3 (ei gymhwyso at ddiffoddwyr tân rheolaidd yn unig), ym mharagraff (1) yn lle “Subject to paragraphs (3) to (5)” rhodder “Subject to paragraphs (3) to (6)” ac ar ôl paragraff (5) mewnosoder—

“(6) This paragraph applies to a person who satisfies the requirements of paragraph (5) if that person ceases to be a person who is entitled to reckon service as a firefighter as pensionable service under rule F2 (current service) of this Scheme—

- (a) where the person is not a full protection member of this Scheme or a tapered protection member of this Scheme, on the scheme closing date;
- (b) where the person is a tapered protection member of this Scheme, on the tapered protection closing date or, if earlier, on the date on which the person ceases to be a tapered protection member;
- (c) where the person is a full protection member of this Scheme, on the date on which the member retires from scheme employment in the 2015 Scheme or, if earlier, on the date on which the person ceases to be a full protection member of this Scheme.

### “Actuarial valuations

4A. Where the scheme actuary is carrying out a valuation of the 2015 Scheme and is required to carry out a valuation of this Scheme, the authority 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.”

8. In Annex 1 (ill-health pensions), after paragraph (6) insert—

“(7) Where a connected member or a connected special member of this Scheme is entitled to the payment of an equivalent amount to a lower tier ill-health pension, that amount must be calculated in accordance with paragraph (1) of this annex.”

### SCHEDULE 3 Regulation 4

#### Amendments to Schedule 2 to the Firemen’s Pension Scheme Order 1992

1. In Part A (general provisions and retirement)—

- (a) in rule A3 (exclusive application to regular firefighters), in paragraph (1) for “Subject to paragraphs (3) to (5)” substitute “Subject to paragraphs (3) to (6)” and after paragraph (5) insert—

“(6) This paragraph applies to a person who satisfies the requirements of paragraph (5) if that person ceases to be a person who is entitled to reckon service as a firefighter as pensionable service under rule F2 (current service) of this Scheme—

- (a) where the person is not a full protection member of this Scheme or a tapered protection member of this Scheme, on the scheme closing date;
- (b) where the person is a tapered protection member of this Scheme, on the tapered protection closing date or, if earlier, on the date on which the person ceases to be a tapered protection member;
- (c) where the person is a full protection member of this Scheme, on the date on which the member retires from scheme employment in the 2015 Scheme or, if earlier, on the date on which the person ceases to be a full protection member of this Scheme.



(7) Where paragraph (6) applies, if the person remains in continuous pensionable service under the 2015 Scheme, or is treated as an active member of that Scheme, after the transition date without a break in that service or membership until the date on which that person retires or ceases to be an active member of that Scheme, and the pension account for that scheme employment was the account to which the pensionable service from this Scheme was added, the person is entitled to a pension under rule B1A of this Scheme.

(8) A person who is entitled to the payment of an equivalent amount to the 1992 Scheme lower tier ill-health pension is treated as having been in continuous pensionable service under the 2015 Scheme for the purposes of paragraph (7) of this rule.

(9) Where paragraph (6) applies to a person who was entitled to an ill-health award under this Scheme or under the 2015 Scheme and who accepts an offer of employment made as referred to in rule K1A(2)(b) of this Scheme or referred to in regulation 78(3)(b) of the 2015 Scheme, that person is treated as having been in continuous pensionable service under the 2015 Scheme for the purposes of paragraph (7) of this rule.

(10) A person who refuses the offer of employment mentioned in paragraph (9) becomes entitled to a deferred pension under rule B5 of this Scheme and paragraph (7) does not apply to that member.”;

(b) ar ôl rheol A13 (oedran pensiwn arferol) mewnosoder—

“**A13A.** The normal pension age for a regular firefighter to whom paragraph (7) of rule A3 applies is 55.”

## 2. Yn Rhan B (dyfarndaliadau personol)—

(a) yn rheol B1 (pensiwn cyffredin), ym mharagraff (2) ar ôl is-baragraff (c) mewnosoder—

“or

(d) a person to whom paragraph (6) of rule A3 applies.”;

(b) ar ôl rheol B1 (pensiwn cyffredin) mewnosoder—

(7) Where paragraph (6) applies, if the person remains in continuous pensionable service under the 2015 Scheme, or is treated as an active member of that Scheme, after the transition date without a break in that service or membership until the date on which that person retires or ceases to be an active member of that Scheme, and the pension account for that scheme employment was the account to which the pensionable service from this Scheme was added, the person is entitled to a pension under rule B1A of this Scheme.

(8) A person who is entitled to the payment of an equivalent amount to the 1992 Scheme lower tier ill-health pension is treated as having been in continuous pensionable service under the 2015 Scheme for the purposes of paragraph (7) of this rule.

(9) Where paragraph (6) applies to a person who was entitled to an ill-health award under this Scheme or under the 2015 Scheme and who accepts an offer of employment made as referred to in rule K1A(2)(b) of this Scheme or referred to in regulation 78(3)(b) of the 2015 Scheme, that person is treated as having been in continuous pensionable service under the 2015 Scheme for the purposes of paragraph (7) of this rule.

(10) A person who refuses the offer of employment mentioned in paragraph (9) becomes entitled to a deferred pension under rule B5 of this Scheme and paragraph (7) does not apply to that member.”;

(b) after rule A13 (normal pension age) insert—

“**A13A.** The normal pension age for a regular firefighter to whom paragraph (7) of rule A3 applies is 55.”

## 2. In Part B (personal awards)—

(a) in rule B1 (ordinary pension), in paragraph (2) after sub-paragraph (c) insert—

“or

(d) a person to whom paragraph (6) of rule A3 applies.”;

(b) after rule B1 (ordinary pension) insert—

## “Continuous service pension

**B1A.**—(1) Where a person satisfies the requirements of paragraph (7) of rule A3, that person is entitled on retiring from scheme employment in the 2015 Scheme at or after normal pension age to a continuous service pension calculated in accordance with Part 2A of Schedule 2.

(2) A person to whom paragraph (1) applies is not entitled to a pension or award under rule B1 (ordinary pension), B2 (short service award), rule B3 (ill-health awards) or B5 (deferred pension).

(3) Where rule B1 (ordinary pension) would have applied to a person to whom paragraph (1) applies if rule A3(6) (exclusive application to regular firefighters) had not applied to that person—

- (a) the age at which that person may retire is ascertained by applying rule B1 to that person as if the reference to the “pensionable service” in paragraph (1)(a) included “2015 pensionable service”, and
- (b) in paragraph (1) of this rule for “normal pension age” as if the age is ascertained in sub-paragraph (a).

**B1B.**—(1) A person to whom rule B1A does not apply and to whom paragraph (6) of rule A3 does apply is entitled to a deferred pension under rule B5 (deferred pension).

(2) A person who is entitled to a deferred pension under paragraph (1) of this rule is not entitled to a pension or award under rule B1A (continuous service pension), rule B1 (ordinary pension), rule B2 (short service award), or rule B3 (ill-health awards).”;

- (c) yn rheol B1 (pensiwn cyffredin), ym mharagraff (2) ar ôl is-baragraff (c) mewnosoder—

“or

- (d) a person to whom paragraph (6) of rule A3 applies.”;
- (d) yn rheol B2 (dyfarndal gwasanaeth byr)—
  - (i) ym mharagraff (1) yn lle “This rule applies” rhodder “Subject to paragraph (3), this rule applies”;
  - (ii) ar ôl paragraff (2) mewnosoder—

“(3) This rule does not apply to a person to whom paragraph (6) of rule A3 applies.”;

## “Continuous service pension

**B1A.**—(1) Where a person satisfies the requirements of paragraph (7) of rule A3, that person is entitled on retiring from scheme employment in the 2015 Scheme at or after normal pension age to a continuous service pension calculated in accordance with Part 2A of Schedule 2.

(2) A person to whom paragraph (1) applies is not entitled to a pension or award under rule B1 (ordinary pension), B2 (short service award), rule B3 (ill-health awards) or B5 (deferred pension).

(3) Where rule B1 (ordinary pension) would have applied to a person to whom paragraph (1) applies if rule A3(6) (exclusive application to regular firefighters) had not applied to that person—

- (a) the age at which that person may retire is ascertained by applying rule B1 to that person as if the reference to the “pensionable service” in paragraph (1)(a) included “2015 pensionable service”, and
- (b) in paragraph (1) of this rule for “normal pension age” as if the age is ascertained in sub-paragraph (a).

**B1B.**—(1) A person to whom rule B1A does not apply and to whom paragraph (6) of rule A3 does apply is entitled to a deferred pension under rule B5 (deferred pension).

(2) A person who is entitled to a deferred pension under paragraph (1) of this rule is not entitled to a pension or award under rule B1A (continuous service pension), rule B1 (ordinary pension), rule B2 (short service award), or rule B3 (ill-health awards).”;

- (c) in rule B1 (ordinary pension), in paragraph (2) after sub-paragraph (c) insert—

“or

- (d) a person to whom paragraph (6) of rule A3 applies.”;
- (d) in rule B2 (short service award)—
  - (i) in paragraph (1) for “This rule applies” substitute “Subject to paragraph (3), this rule applies”;
  - (ii) after paragraph (2) insert—

“(3) This rule does not apply to a person to whom paragraph (6) of rule A3 applies.”;

- (e) ar ôl rheol B2 (dyfarndal gwasanaeth byr) mewnosoder—

**“Continued pension**

**B2A.** Where a person to whom paragraph (7) of rule A3 applies is entitled to an equivalent amount of 1992 lower tier ill-health pension under regulation 74(4)(b) (entitlement to lower tier ill-health pension and to higher tier ill-health pension) of the 2015 Regulations and that person reaches normal pension age under this Scheme or the age for retirement ascertained in accordance with rule B1A(3)(i), that person is entitled to a continued pension of an amount equal to the annual rate of the equivalent amount to the 1992 Scheme lower tier ill-health pension.”;

- (f) yn rheol B3 (dyfarndaliadau afiechyd)—
- (i) ym mharagraff (1) yn lle “This rule applies” rhodder “Subject to paragraph (1A), this rule applies”;
- (ii) ar ôl paragraff (1) mewnosoder—
- “(1A) This rule applies to a person if paragraph (6) of rule A3 applies to that person and the requirements of paragraph (7) of that rule are not satisfied.”;
- (g) yn rheol B5 (pensiwn gohiriedig) ar ôl paragraff (1) mewnosoder—
- “(1A) This rule applies to a person to whom paragraph (6) of rule A3 applies if paragraph (7) of that rule does not apply to that person.”;
- (h) yn rheol B5A (yr hawlogaeth i gael dau bensiwn) ar ôl paragraff (8) mewnosoder—
- “(9) Where a person to whom this rule applies is a person to whom paragraph (10) of rule G1 applies, in paragraph (3) for “E is the firefighter’s average pensionable pay for the year ending with his last day of service” substitute “E is the firefighter’s average pensionable pay as modified by paragraph (10) of rule G1 for the year ending with his last day of service in the 2015 Scheme”.”;
- (i) yn rheol B5D (budd pensiwn ychwanegol: darpariaethau atodol)—
- (i) ym mharagraff (1) yn lle “Subject to paragraphs (2) and (3)” rhodder “Subject to paragraphs (1A), (2) and (3)”;
- (ii) ar ôl paragraff (1) mewnosoder—

- (e) after rule B2 (short service award) insert—

**“Continued pension**

**B2A.** Where a person to whom paragraph (7) of rule A3 applies is entitled to an equivalent amount of 1992 lower tier ill-health pension under regulation 74(4)(b) (entitlement to lower tier ill-health pension and to higher tier ill-health pension) of the 2015 Regulations and that person reaches normal pension age under this Scheme or the age for retirement ascertained in accordance with rule B1A(3)(i), that person is entitled to a continued pension of an amount equal to the annual rate of the equivalent amount to the 1992 Scheme lower tier ill-health pension.”;

- (f) in rule B3 (ill-health awards)—
- (i) in paragraph (1) for “This rule applies” substitute “Subject to paragraph (1A), this rule applies”;
- (ii) after paragraph (1) insert—
- “(1A) This rule applies to a person if paragraph (6) of rule A3 applies to that person and the requirements of paragraph (7) of that rule are not satisfied.”;
- (g) in rule B5 (deferred pension) after paragraph (1) insert—
- “(1A) This rule applies to a person to whom paragraph (6) of rule A3 applies if paragraph (7) of that rule does not apply to that person.”;
- (h) in rule B5A (entitlement to two pensions) after paragraph (8) insert—
- “(9) Where a person to whom this rule applies is a person to whom paragraph (10) of rule G1 applies, in paragraph (3) for “E is the firefighter’s average pensionable pay for the year ending with his last day of service” substitute “E is the firefighter’s average pensionable pay as modified by paragraph (10) of rule G1 for the year ending with his last day of service in the 2015 Scheme”.”;
- (i) in rule B5D (additional pension benefit: supplementary provisions)—
- (i) in paragraph (1) for “Subject to paragraphs (2) and (3)” substitute “Subject to paragraphs (1A), (2) and (3)”;
- (ii) after paragraph (1) insert—

“(1A) Where additional pension benefit under rule B5B or B5C is payable to a person, who is entitled to a continuous service pension under rule B1A, it is payable from normal pension age or at the age ascertained in accordance with paragraph (3)(i) of rule B1A if that is earlier.”;

(iii) ar ôl paragraff (2) mewnosoder—

“(2A) Where a person to whom paragraph (6) of rule A3 applies is not entitled to a continuous service pension under rule B1A or to an ill-health award under regulation 74 of the 2015 Regulations, paragraph (2) of this rule applies to that person as if that person were a firefighter who had resigned or been dismissed or made an election under rule G3.”;

(iv) ar ôl paragraff (3) mewnosoder—

“(3A) Where the firefighter is entitled to an ill-health award under regulation 74 of the 2015 Regulations, additional pension benefit is payable under this Scheme at the same time as the equivalent amount to the 1992 Scheme lower tier ill-health pension is payable.”;

(j) yn rheol B7 (cymudo – darpariaeth gyffredinol)—

(i) ar ôl paragraff (1) mewnosoder—

“(1A) This rule also applies to a pension under rule B1A and to the equivalent amount to the 1992 Scheme lower tier ill-health pension where that amount is included in the annual rate of a retirement pension for a person under regulation 68(2)(ba) (annual rate of retirement pension (active members)) of the 2015 Regulations.”;

(ii) ym mharagraff (2) yn lle “Subject to paragraph (2A)” rhodder “Subject to paragraphs (2A) and (2B)” ac ar ôl paragraff (2A) mewnosoder—

“(2B) Where a person is entitled to a continued pension under rule B2A, that person may not commute a portion of that pension under this rule.”;

(iii) ym mharagraff (5) yn lle “Subject to paragraph (5A)” rhodder “Subject to paragraphs (5A) and (5B)” ac ar ôl paragraff (5A) mewnosoder—

“(1A) Where additional pension benefit under rule B5B or B5C is payable to a person, who is entitled to a continuous service pension under rule B1A, it is payable from normal pension age or at the age ascertained in accordance with paragraph (3)(i) of rule B1A if that is earlier.”;

(iii) after paragraph (2) insert—

“(2A) Where a person to whom paragraph (6) of rule A3 applies is not entitled to a continuous service pension under rule B1A or to an ill-health award under regulation 74 of the 2015 Regulations, paragraph (2) of this rule applies to that person as if that person were a firefighter who had resigned or been dismissed or made an election under rule G3.”;

(iv) after paragraph (3) insert—

“(3A) Where the firefighter is entitled to an ill-health award under regulation 74 of the 2015 Regulations, additional pension benefit is payable under this Scheme at the same time as the equivalent amount to the 1992 Scheme lower tier ill-health pension is payable.”;

(j) in rule B7 (commutation – general provision)—

(i) after paragraph (1) insert—

“(1A) This rule also applies to a pension under rule B1A and to the equivalent amount to the 1992 Scheme lower tier ill-health pension where that amount is included in the annual rate of a retirement pension for a person under regulation 68(2)(ba) (annual rate of retirement pension (active members)) of the 2015 Regulations.”;

(ii) in paragraph (2) for “Subject to paragraph (2A)” substitute “Subject to paragraphs (2A) and (2B)” and after paragraph (2A) insert—

“(2B) Where a person is entitled to a continued pension under rule B2A, that person may not commute a portion of that pension under this rule.”;

(iii) in paragraph (5) for “Subject to paragraph (5A)” substitute “Subject to paragraphs (5A) and (5B)” and after paragraph (5A) insert—

“(5B) In the case of a person who is entitled to a pension under rule B1A or to the equivalent amount to the 1992 Scheme lower tier ill-health pension where the annual rate of a retirement pension under regulation 68(2)(ba) of the 2015 Regulations includes that amount, the reference to “pensionable service” in sub-paragraph (a) of paragraph (5) includes “2015 pensionable service”.”;

(k) yn rheol B9 (dyrannu), ar ôl is-baragraff (1) mewnosoder—

“(1A) This rule applies to a pension under rule B1A.”.

**3. Yn Rhan C (dyfardaliadau yn sgil marwolaeth – priodau) yn rheol C1 (pensiwn cyffredin priod), ym mharagraff (1) yn lle “This rule applies” rhodder “Subject to paragraph (1A), this rule applies” ac ar ôl paragraff (1) mewnosoder—**

“(1A) This rule does not apply to a person who dies leaving a spouse or civil partner while serving as a regular firefighter if paragraph (6) of rule A3 applied to that person.”

**4. Yn Rhan D (dyfardaliadau yn sgil marwolaeth – plant) yn rheol D1 (lwfans cyffredin plentyn), ym mharagraff (1) yn lle “This rule applies” rhodder “Subject to paragraph (1A) this rule applies” ac ar ôl paragraff (1) mewnosoder—**

“(1A) This rule does not apply to a person who dies leaving a child while serving as a regular firefighter if paragraph (6) of rule A3 applied to that person.”

**5. Yn Rhan E (dyfardaliadau yn sgil marwolaeth – darpariaethau ychwanegol)—**

(a) ym mharagraff (1) o reol E1 (cyfandaliad o grant marwolaeth) yn lle “On the death of” rhodder “Subject to paragraph (1A), on the death of” ac ar ôl y paragraff hwnnw mewnosoder—

“(1A) This rule does not apply to a person who dies while serving as a regular firefighter if paragraph (6) of rule A3 applied to that person.”;

(b) ym mharagraff (1) o reol E3 (arian rhodd i berthynas dibynnol) yn lle “This rule applies” rhodder “Subject to paragraph (1A), this rule applies” ac ar ôl y paragraff hwnnw mewnosoder—

“(1A) This rule does not apply to a person who dies while serving as a regular firefighter if paragraph (6) of rule A3 applied to that person.”;

“(5B) In the case of a person who is entitled to a pension under rule B1A or to the equivalent amount to the 1992 Scheme lower tier ill-health pension where the annual rate of a retirement pension under regulation 68(2)(ba) of the 2015 Regulations includes that amount, the reference to “pensionable service” in sub-paragraph (a) of paragraph (5) includes “2015 pensionable service”.”;

(k) in rule B9 (allocation), after sub-paragraph (1) insert—

“(1A) This rule applies to a pension under rule B1A.”.

**3. In Part C (awards on death – spouses) in rule C1 (spouse’s ordinary pension), in paragraph (1) for “This rule applies” substitute “Subject to paragraph (1A), this rule applies” and after paragraph (1) insert—**

“(1A) This rule does not apply to a person who dies leaving a spouse or civil partner while serving as a regular firefighter if paragraph (6) of rule A3 applied to that person.”

**4. In Part D (awards on death – children) in rule D1 (child’s ordinary allowance), in paragraph (1) for “This rule applies” substitute “Subject to paragraph (1A) this rule applies” and after paragraph (1) insert—**

“(1A) This rule does not apply to a person who dies leaving a child while serving as a regular firefighter if paragraph (6) of rule A3 applied to that person.”

**5. In Part E (awards on death – additional provisions)—**

(a) in paragraph (1) of rule E1 (lump sum death grant) for “On the death of” substitute “Subject to paragraph (1A), on the death of” and after that paragraph insert—

“(1A) This rule does not apply to a person who dies while serving as a regular firefighter if paragraph (6) of rule A3 applied to that person.”;

(b) in paragraph (1) of rule E3 (dependent relative’s gratuity) for “This rule applies” substitute “Subject to paragraph (1A), this rule applies” and after that paragraph insert—

“(1A) This rule does not apply to a person who dies while serving as a regular firefighter if paragraph (6) of rule A3 applied to that person.”;

- (c) ym mharagraff (1) o reol E4 (talu'r balans o gyfraniadau i ystad) yn lle "This rule applies" rhodder "Subject to paragraph (1A), this rule applies" ac ar ôl y paragraff hwnnw mewnosoder—

"(1A) This rule does not apply to a person who dies while serving as a regular firefighter if paragraph (6) of rule A3 applied to that person.";

- (d) ym mharagraff (1) o reol E8A (pensiwn profedigaeth: plant) yn lle "This rule applies" rhodder "Subject to paragraph (1A), this rule applies" ac ar ôl y paragraff hwnnw mewnosoder—

"(1A) This rule does not apply where the deceased died while serving as a regular firefighter if paragraph (6) of rule A3 had applied to the deceased."

**6. Yn Rhan F (gwasanaeth pensiynadwy a gwerthoedd trosglwyddo)—**

- (a) yn rheol F2 (gwasanaeth cyfredol)—  
(i) ym mharagraff (2), ar ôl is-baragraff (a) mewnosoder—

"(ab) any period of service as a regular firefighter beginning with the day on which paragraph (6) of rule A3 applies to that person, or";

- (ii) ar ôl paragraff (7) mewnosoder—

"(8) A person to whom paragraph (7) of rule A3 applies is entitled to reckon as 2015 pensionable service any continuous pensionable service in relation to the active member's account in the 2015 Scheme to which pensionable service in this Scheme was added for the purpose of regulation 66 (qualifying service) of the 2015 Regulations for the period whilst paragraph (7) of rule A3 continues to apply.";

- (b) yn rheol F9 (talu gwerthoedd trosglwyddo)—

- (i) ym mharagraff (1) yn lle "Subject to paragraphs (2) to (8A)" rhodder "Subject to paragraphs (1A) to (8A)";

- (ii) ar ôl paragraff (1) mewnosoder—

"(1A) A transfer value may not be paid if—

- (a) paragraph (6) of rule A3 applies to the person, and

- (c) in paragraph (1) of rule E4 (payment of balance of contributions to estate) for "This rule applies" substitute "Subject to paragraph (1A), this rule applies" and after that paragraph insert—

"(1A) This rule does not apply to a person who dies while serving as a regular firefighter if paragraph (6) of rule A3 applied to that person.";

- (d) in paragraph (1) of rule E8A (bereavement pension: children) for "This rule applies" substitute "Subject to paragraph (1A), this rule applies" and after that paragraph insert—

"(1A) This rule does not apply where the deceased died while serving as a regular firefighter if paragraph (6) of rule A3 had applied to the deceased."

**6. In Part F (pensionable service and transfer values)—**

- (a) in rule F2 (current service)—  
(i) in paragraph (2), after sub-paragraph (a) insert—

"(ab) any period of service as a regular firefighter beginning with the day on which paragraph (6) of rule A3 applies to that person, or";

- (ii) after paragraph (7) insert—

"(8) A person to whom paragraph (7) of rule A3 applies is entitled to reckon as 2015 pensionable service any continuous pensionable service in relation to the active member's account in the 2015 Scheme to which pensionable service in this Scheme was added for the purpose of regulation 66 (qualifying service) of the 2015 Regulations for the period whilst paragraph (7) of rule A3 continues to apply.";

- (b) in rule F9 (payment of transfer values)—

- (i) in paragraph (1) for "Subject to paragraphs (2) to (8A)" substitute "Subject to paragraphs (1A) to (8A)";

- (ii) after paragraph (1) insert—

"(1A) A transfer value may not be paid if—

- (a) paragraph (6) of rule A3 applies to the person, and

(b) paragraph 1(1) of Schedule 7 to the 2013 Act applies to that person by virtue of the person's pensionable service in the 2015 Scheme so that person's final salary falls to be determined by reference to paragraph 1(2) of that Schedule.

(1B) A transfer value may not be paid if paragraph (7) of rule A3 applies to the person and that person is receiving payment of the equivalent amount to the 1992 Scheme lower tier ill-health pension from the 2015 Scheme under the 2015 Regulations.”

7. Yn Rhan G (tâl pensiynadwy a chyfraniadau)—

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

(i) ym mharagraff (1) yn lle “Subject to paragraphs (2) and (9)” rhodder “Subject to paragraphs (2), (9) and (10)”;

(ii) ar ôl paragraff (9) mewnosoder—

“(10) Where paragraph (6) of rule A3 (exclusive application to regular firefighters) applies to a regular firefighter and paragraph 1 of Schedule 7 (final salary link) to the 2013 Act applies to that person, paragraph (1) of this rule does not apply and the average pensionable pay is determined in accordance with Schedule 7 so that the member's pensionable pay under the 2015 Regulations, as modified by paragraph 34 of Schedule 2 to those Regulations, derived from service in the 2015 Scheme is to be regarded as derived from service in this Scheme.

(11) Where paragraph (10) and paragraph 34(4) of Schedule 2 to the 2015 Regulations apply to a member of this Scheme, the pensionable pay to be regarded as derived from service in this Scheme is the pensionable pay derived from service in the 2015 Scheme under the 2015 Regulations as modified by paragraph 34 of Schedule 2 to those Regulations for the last year of pensionable service before the reduction in pensionable pay.

(12) Where the pensionable pay under the 2015 Regulations is the pensionable pay of the person employed as a retained firefighter or as a volunteer firefighter for the purposes of paragraphs (10) and (11), the pensionable pay under the 2015 Regulations is that of a wholetime regular firefighter employed in a similar role and with equivalent qualifying service.

(b) paragraph 1(1) of Schedule 7 to the 2013 Act applies to that person by virtue of the person's pensionable service in the 2015 Scheme so that person's final salary falls to be determined by reference to paragraph 1(2) of that Schedule.

(1B) A transfer value may not be paid if paragraph (7) of rule A3 applies to the person and that person is receiving payment of the equivalent amount to the 1992 Scheme lower tier ill-health pension from the 2015 Scheme under the 2015 Regulations.”

7. In Part G (pensionable pay and contributions)—

(a) in rule G1 (pensionable pay and average pensionable pay)—

(i) in paragraph (1) for “Subject to paragraphs (2) and (9)” substitute “Subject to paragraphs (2), (9) and (10)”;

(ii) after paragraph (9) insert—

“(10) Where paragraph (6) of rule A3 (exclusive application to regular firefighters) applies to a regular firefighter and paragraph 1 of Schedule 7 (final salary link) to the 2013 Act applies to that person, paragraph (1) of this rule does not apply and the average pensionable pay is determined in accordance with Schedule 7 so that the member's pensionable pay under the 2015 Regulations, as modified by paragraph 34 of Schedule 2 to those Regulations, derived from service in the 2015 Scheme is to be regarded as derived from service in this Scheme.

(11) Where paragraph (10) and paragraph 34(4) of Schedule 2 to the 2015 Regulations apply to a member of this Scheme, the pensionable pay to be regarded as derived from service in this Scheme is the pensionable pay derived from service in the 2015 Scheme under the 2015 Regulations as modified by paragraph 34 of Schedule 2 to those Regulations for the last year of pensionable service before the reduction in pensionable pay.

(12) Where the pensionable pay under the 2015 Regulations is the pensionable pay of the person employed as a retained firefighter or as a volunteer firefighter for the purposes of paragraphs (10) and (11), the pensionable pay under the 2015 Regulations is that of a wholetime regular firefighter employed in a similar role and with equivalent qualifying service.

(13) Where paragraph 34(3) of Schedule 2 to the 2015 Regulations applies to a person to whom paragraph (6) of rule A3 applies, average pensionable pay is determined in accordance with paragraph (3) of this rule and paragraph (10) does not apply in the case of that person.

(14) Subject to paragraph (13), where paragraph (10) applies—

- (a) in sub-paragraph (a) of paragraph (4) “the date of the person’s last day of service as a regular firefighter” is to be read as “the date of the person’s last day of service in scheme employment in the 2015 Scheme”;
- (b) in sub-paragraph (b) of paragraph (4) “in a period during which contributions were payable under rule G2” is to be read as “in a period during which member contributions were payable under regulation 119 of the 2015 Regulations”; and
- (c) in sub-paragraph (e) of paragraph (6), where any unpaid period of additional maternity leave or adoption leave is within a period for which the pensionable pay derived from 2015 scheme service is treated as pensionable pay derived from this Scheme, “contributions have been paid under rule G2A” is to be read as “contributions have been paid under regulation 122 of the 2015 Regulations”.

(15) In a case where paragraphs (1) and (11) apply, in sub-paragraph (a) of paragraph (4) “the date of the person’s last day of service as a regular firefighter” is to be read as “the date of the person’s last day of service in scheme employment in the 2015 Scheme before the reduction of pensionable pay”.

- (b) yn rheol G2A (cyfraniadau pensiwn dewisol yn ystod seibiant mamolaeth a seibiant mabwysiadu), ar ôl paragraff (3) mewnosoder—

“(3A) Where the regular firefighter returns to work, or ceases to be employed, after the date on which paragraph (6) of rule A3 applies to that person, the election under paragraph (3) may only be made in respect of the period before paragraph (6) applied to that person.”;

- (c) yn rheol G7 (talw cyfraniadau o dro i dro ar gyfer buddion uwch), ar ôl paragraff (3) mewnosoder—

(13) Where paragraph 34(3) of Schedule 2 to the 2015 Regulations applies to a person to whom paragraph (6) of rule A3 applies, average pensionable pay is determined in accordance with paragraph (3) of this rule and paragraph (10) does not apply in the case of that person.

(14) Subject to paragraph (13), where paragraph (10) applies—

- (a) in sub-paragraph (a) of paragraph (4) “the date of the person’s last day of service as a regular firefighter” is to be read as “the date of the person’s last day of service in scheme employment in the 2015 Scheme”;
- (b) in sub-paragraph (b) of paragraph (4) “in a period during which contributions were payable under rule G2” is to be read as “in a period during which member contributions were payable under regulation 119 of the 2015 Regulations”; and
- (c) in sub-paragraph (e) of paragraph (6), where any unpaid period of additional maternity leave or adoption leave is within a period for which the pensionable pay derived from 2015 Scheme service is treated as pensionable pay derived from this Scheme, “contributions have been paid under rule G2A” is to be read as “contributions have been paid under regulation 122 of the 2015 Regulations”.

(15) In a case where paragraphs (1) and (11) apply, in sub-paragraph (a) of paragraph (4) “the date of the person’s last day of service as a regular firefighter” is to be read as “the date of the person’s last day of service in scheme employment in the 2015 Scheme before the reduction of pensionable pay”.

- (b) in rule G2A (optional pension contributions during maternity and adoption leave), after paragraph (3) insert—

“(3A) Where the regular firefighter returns to work, or ceases to be employed, after the date on which paragraph (6) of rule A3 applies to that person, the election under paragraph (3) may only be made in respect of the period before paragraph (6) applied to that person.”;

- (c) in rule G7 (payment of periodical contributions for increased benefits), after paragraph (3) insert—



“(4A) In the case of a person to whom paragraph (7) of rule A3 applies—

- (a) periodical payments continue to be payable whilst paragraph (7) applies;
- (b) where the person is entitled to the payment of an equivalent amount to the 1992 Scheme lower tier ill-health pension under regulation 74 of the 2015 Regulations and following review of that award under regulation 77 of those Regulations, accepts the offer of employment, the contributions again become payable.”;

(d) yn rheol G8 (effaith talu am fuddion uwch), yn is-baragraff (a) o baragraff (1), ar ôl “pension under rule” mewnosoder “B1A” ac ar ôl “B5(” mewnosoder “continued”.

8. Yn Rhan I (geirfa) o Atodlen 1 (dehongli), yn y manau priodol mewnosoder—

““The 2013 Act”	The Public Service Pensions Act 2013.
“The 2015 Regulations”	The Firefighters’ Pension Scheme (Wales) Regulations 2015.
“2015 pensionable service”	Construe in accordance with rule F2(8).
“The 2015 Scheme”	The Firefighters’ Pension Scheme (Wales) 2015 which is established in the Firefighters’ Pension Scheme (Wales) Regulations 2015.
“Continued pension”	Construe in accordance with rule B2A.
“Continuous service pension”	Construe in accordance with rule B1A.
“Equivalent amount to the 1992 lower tier ill-health pension”	Construe in accordance with regulation 74(5) of the 2015 Regulations.

“(4A) In the case of a person to whom paragraph (7) of rule A3 applies—

- (a) periodical payments continue to be payable whilst paragraph (7) applies;
- (b) where the person is entitled to the payment of an equivalent amount to the 1992 Scheme lower tier ill-health pension under regulation 74 of the 2015 Regulations and following review of that award under regulation 77 of those Regulations, accepts the offer of employment, the contributions again become payable.”;

(d) in rule G8 (effect of payment for increased benefits), in sub-paragraph (a) of paragraph (1), after “pension under rule” insert “B1A” and after “B5(” insert “continued”.

8. In Part I (glossary of expressions) of Schedule 1 (interpretation), in the appropriate places insert—

““The 2013 Act”	The Public Service Pensions Act 2013.
“The 2015 Regulations”	The Firefighters’ Pension Scheme (Wales) Regulations 2015.
“2015 pensionable service”	Construe in accordance with rule F2(8).
“The 2015 Scheme”	The Firefighters’ Pension Scheme (Wales) 2015 which is established in the Firefighters’ Pension Scheme (Wales) Regulations 2015.
“Continued pension”	Construe in accordance with rule B2A.
“Continuous service pension”	Construe in accordance with rule B1A.
“Equivalent amount to the 1992 lower tier ill-health pension”	Construe in accordance with regulation 74(5) of the 2015 Regulations.

“Full protection member of this Scheme” A person who is a full protection member of this Scheme by virtue of paragraph 9 of Schedule 2 to the 2015 Regulations.

“Scheme closing date” 31 March 2015.

“Tapered protection closing date” Construe in accordance with paragraph 3 of Schedule 2 to the 2015 Regulations.

“Tapered protection member of this Scheme” A person who is a tapered protection member of this Scheme by virtue of paragraph 15 of Schedule 2 to the 2015 Regulations.”

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“Full protection member of this Scheme” A person who is a full protection member of this Scheme by virtue of paragraph 9 of Schedule 2 to the 2015 Regulations.

“Scheme closing date” 31 March 2015.

“Tapered protection closing date” Construe in accordance with paragraph 3 of Schedule 2 to the 2015 Regulations.

“Tapered protection member of this Scheme” A person who is a tapered protection member of this Scheme by virtue of paragraph 15 of Schedule 2 to the 2015 Regulations.”

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9. Yn Atodlen 2—

(a) ar ôl Rhan 2 mewnosoder—

“PART 2A

Continuous service pension

1. Subject to Parts 6A and 8 of this Schedule, the amount of a continuous service pension of a member of this Scheme to whom paragraph (7) of rule A3 applies, or has applied, is—

$$A/60 \times B/C \times APP$$

Where—

APP is person’s average pensionable pay,

B is the period in years of the person’s pensionable service until the day before the person’s transition date,

C is the period in years of the person’s pensionable service and of the person’s 2015 Scheme pensionable service (subject to a maximum of pensionable service of 40 years),

A is the sum of E + (F x 2) and must not exceed 40 years

9. In Schedule 2—

(a) after Part 2 insert—

“PART 2A

Continuous service pension

1. Subject to Parts 6A and 8 of this Schedule, the amount of a continuous service pension of a member of this Scheme to whom paragraph (7) of rule A3 applies, or has applied, is—

$$A/60 \times B/C \times APP$$

Where—

APP is person’s average pensionable pay,

B is the period in years of the person’s pensionable service until the day before the person’s transition date,

C is the period in years of the person’s pensionable service and of the person’s 2015 Scheme pensionable service (subject to a maximum of pensionable service of 40 years),

A is the sum of E + (F x 2) and must not exceed 40 years

Where—

E is the period in years of the person's pensionable service and of the person's 2015 pensionable service up to 20 years,

F is the period in years by which the person's pensionable service and the person's 2015 pensionable service exceeds 20 years.”;

(b) yn Rhan 6A—

(i) ym mharagraff 1, ar ôl is-baragraff (b) mewnosoder—

“(ba) continuous service pension under Part 2A,”;

(ii) ar ôl paragraff 2 mewnosoder—

“(3) Where the award listed in paragraph 1 is a continuous service pension, the reference to “pensionable service” in paragraphs 1 and 2 includes 2015 pensionable service.”

Where—

E is the period in years of the person's pensionable service and of the person's 2015 pensionable service up to 20 years,

F is the period in years by which the person's pensionable service and the person's 2015 pensionable service exceeds 20 years.”;

(b) in Part 6A—

(i) in paragraph 1, after sub-paragraph (b) insert—

“(ba) continuous service pension under Part 2A,”;

(ii) after paragraph 2 insert—

“(3) Where the award listed in paragraph 1 is a continuous service pension, the reference to “pensionable service” in paragraphs 1 and 2 includes 2015 pensionable service.”

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