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OFFERYNNAU STATUDOL CYMRU

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**2014 Rhif 3242 (Cy. 329)**

**GWASANAETHAU TÂN AC ACHUB, CYMRU**

**PENSIYNAU, CYMRU**

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

*Gwnaed*

*8 Rhagfyr 2014*

*Gosodwyd gerbron Cynulliad Cenedlaethol Cymru*

*10 Rhagfyr 2014*

*Yn dod i rym*

*31 Rhagfyr 2014*

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WELSH STATUTORY INSTRUMENTS

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**2014 No. 3242 (W. 329)**

**FIRE AND RESCUE SERVICES, WALES**

**PENSIONS, WALES**

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

*Made*

*8 December 2014*

*Laid before the National Assembly for Wales*

*10 December 2014*

*Coming into force*

*31 December 2014*

**£10.00**





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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2014 Rhif 3242 (Cy. 329)**

**2014 No. 3242 (W. 329)**

**GWASANAETHAU TÂN AC  
ACHUB, CYMRU**

**FIRE AND RESCUE  
SERVICES, WALES**

**PENSIYNAU, CYMRU**

**PENSIONS, WALES**

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

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

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r Gorchymyn hwn yn diwygio Cynllun Pensiwn y Dynion Tân (Cymru) (a bennir yn Atodlen 2 i Orchymyn Cynllun Pensiwn y Dynion Tân 1992) fel y mae'n cael effaith yng Nghymru ("y Cynllun"). Mae rhai o'r diwygiadau yn cyflwyno darpariaethau newydd. Mae diwygiadau eraill yn gwneud cywiriadau.

This Order amends the Firefighters' Pension (Wales) Scheme (set out in Schedule 2 to the Firemen's Pension Scheme Order 1992) as it has effect in Wales ("the Scheme"). Some of the amendments introduce new provisions. Other amendments make corrections.

Ac eithrio fel a grybwyllir isod, mae'r Gorchymyn hwn yn cael effaith ôl-weithredol o 1 Gorffennaf 2013. Rhoddir y pŵer i roi effaith i'r Gorchymyn yn ôl-weithredol gan adran 12 o Ddeddf Blwydd-daliadau 1972 fel y'i cymhwysir gan adran 16(3) o'r Ddeddf honno.

Except as mentioned below this Order has retrospective effect from 1 July 2013. Power to give the Order retrospective effect is conferred by section 12 of the Superannuation Act 1972, as applied by section 16(3) of that Act.

Yn y nodyn hwn, oni nodir yn wahanol, mae'r cyfeiriadau at baragraff yn gyfeiriadau at baragraffau yn yr Atodlen i'r Gorchymyn hwn, a'r cyfeiriadau at reolau a Rhannau yn gyfeiriadau at reolau a Rhannau o'r Cynllun.

In this note, unless indicated otherwise, references to a paragraph are references to paragraphs in the Schedule to this Order and references to rules and Parts are references to rules and Parts of the Scheme.

Mae paragraff 1 yn gwneud diwygiadau i Ran A. Mae paragraff 1(b) yn hepgor rheol A14 (ymddeol gorfodol ar sail effeithlonrwydd) a rheol A15 (ymddeol gorfodol ar sail anabledd). Hefgorir rheolau A4 i A8 ac A12 yn ogystal.

Paragraph 1 makes amendments to Part A. Paragraph 1(b) omits rule A14 (compulsory retirement on grounds of efficiency) and rule A15 (compulsory retirement on grounds of disablement). Rules A4 to A8 and A12 are also omitted.

Mae paragraff 2(a) yn diwygio rheol B1 fel nad yw'n ofynnol bellach fod prif swyddog tân a benodir ar ôl 1 Gorffennaf 2013 yn cael caniatâd yr awdurdod tân ac achub cyn ymddeol.

Paragraph 2(a) amends rule B1 so that a chief fire officer, who is appointed after 1 July 2013, is no longer required to obtain the permission of the fire and rescue authority before retiring.

Mae paragraff 2(e) yn diwygio'r fformiwla ar gyfer cyfrifo pensiwn pan fo hawl gan berson i gael dyfardal oherwydd afiechyd neu bensiwn gohiriedig a buddion o'r hawlogaeth i ddau bensiwn.

Mae paragraff 2(f)(i) yn gwneud mân gywiriadau i reol B5B er mwyn gwneud yn eglur pa wasanaeth pensiynadwy a gaiff gyfrif ar gyfer y budd pensiwn ychwanegol ar sail cynyddiad gwasanaeth hir. Cyfnodau o wasanaeth gydag Awdurdod Tân ac Achub Cymreig yn unig a gynhwysir gan y diwygiad.

Mae paragraff 2(g) yn mewnosod rheol B5C newydd sy'n estyn y budd pensiwn ychwanegol er mwyn cynnwys—

- taliadau i wobrwyo sgiliau a chyfrifoldebau ychwanegol sydd y tu allan i ofynion dyletswyddau'r aelod-ddiffoddwr tân o dan y contract cyflogaeth ond sydd o fewn swyddogaethau ehangach y swydd;
- unrhyw dâl ychwanegol a geir yn ystod dyrchafiad dros dro, neu wrth gyflawni dyletswyddau rôl uwch dros dro;
- unrhyw daliad ar wahân ar sail perfformiad.

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

Mae'r diwygiadau a wneir gan baragraffau 2(f)(ii), (iii) a (iv) a 2(g) mewn perthynas â pharagraffau (3) a (4) o'r rheol B5C newydd, yn newid y dull o uwchraddio budd pensiwn ychwanegol ar gyfer y cynyddiad gwasanaeth hir (rheol B5B) a datblygiad proffesiynol parhaus (rheol B5C), o ddefnyddio mynegai penodol, sef y mynegai prisiau manwerthu, i ddefnyddio mynegai yn unol â Deddf Pensiynau (Cynnydd) 1971. Darperir yn benodol mai'r mynegai prisiau defnyddwyr a ddefnyddir ar gyfer y flwyddyn dreth 2010/2011. Mae'r diwygiadau hyn yn cael effaith ôl-weithredol o 11 Ebrill 2011.

Mae'r diwygiadau a wneir gan baragraff 2(i) i reol B7 (darpariaeth gyffredinol o ran cymudo) yn rhoi disgrisiwn i awdurdod tân ac achub ganiatáu cymudo pensiwn am gyfandaliad o fwy na dwy a chwarter gwaith swm llawn y pensiwn ym mhob achos pan fo'r awdurdod wedi rhoi sylw i'r angen i reoli ei swyddogaethau yn ddarvoudus, yn effeithiol ac yn effeithlon a'r costau tebygol a dynnir mewn achos penodol. Pan fo'r awdurdod yn arfer y disgrisiwn hwn, mae diwygiad a wneir gan baragraff 14(iv), sy'n mewnosod paragraff (10) newydd yn rheol LA2, yn ei gwneud yn ofynnol bod yr awdurdod yn trosglwyddo i Gronfa Bensiwn y Diffoddwyr Tân swm sy'n hafal i'r cynnydd yn y cyfandaliad cymudedig.

Paragraph 2(e) amends the formula for the calculation of pension where a person is entitled to an ill-health award or deferred pension and benefits from the entitlement to two pensions.

Paragraph 2(f)(i) makes minor corrections to rule B5B so that it is clear which pensionable service can count for the long service increment additional pension benefit. The amendment only include services with a Welsh Fire and Rescue Authority.

Paragraph 2(g) inserts a new rule B5C which extends additional pension benefit so that it covers—

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

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

The amendments made by paragraphs 2(f)(ii), (iii) and (iv), and 2(g) in relation to paragraphs (3) and (4) of the new rule B5C, amend the method of uprating additional pension benefit for the long service increment (rule B5B) and continuing professional development (rule B5C) from using a specific index, the retail price index, to using an index in accordance with the Pensions (Increase) Act 1971. There is a specific provision to provide that the consumer price index is used for the tax year 2010/2011. These amendments have retrospective effect from 11 April 2011.

The amendments made by paragraph 2(i) to rule B7 (commutation general provision) confer a discretion on a fire and rescue authority to permit the commutation of a pension for a lump sum in excess of two and quarter times the full amount of the pension in all cases where they have had regard to the economical, effective and efficient management of their functions and the costs likely to be incurred in the particular case. Where the authority exercises this discretion an amendment by paragraph 14(iv) to rule LA2 inserting new paragraph (10) requires the authority to make a transfer into the Firefighters' Pension Fund of an amount equal to the increase in the commuted lump sum.

Mae paragraff 4 yn rhoi rheol D5 newydd (lwfans plentyn: cyfyngiadau a pharhad) yn lle'r un bresennol.

Mae paragraff 5 yn gwneud amryw ddiwygiadau i Ran E (dyfarndaliadau yn sgil marwolaeth — darpariaethau ychwanegol).

Mae paragraff 6 yn diwygio Rhan F (gwasanaeth pensiynadwy a gwerthoedd trosglwyddo), ac yn benodol yn mewnosod rheol F1A newydd (cyfrif gwasanaeth at ddibenion dyfarndaliadau) sy'n ail-wneud y rhan fwyaf o ddarpariaethau'r rheol A7 a hepgorwyd.

Mae paragraff 7(a) yn diwygio'r diffiniad o dâl pensiynadwy yn rheol G1(1) i gynnwys taliadau sy'n bensiynadwy o dan y budd pensiwn ychwanegol (rheol newydd B5C(1)) ac yn darparu bod yn rhaid cyfrifo tâl pensiynadwy cyfartalog heb gynnwys unrhyw fudd pensiwn ychwanegol sy'n daladwy o dan reol B5C. Diwygir rheol G1 hefyd drwy fewnosod paragraff (9) newydd, sy'n darparu na fydd taliadau nad ydynt o fewn y diffiniad o dâl pensiynadwy yn rheol G1(1)(a) fel y'i diwygiwyd, heblaw buddion pensiwn ychwanegol sy'n daladwy am wasanaeth hir neu mewn perthynas â datblygiad proffesiynol parhaus diffoddwr tân, yn parhau yn bensiynadwy ac eithrio tra bo'r diffoddwr tân yn parhau i'w cael.

Mae paragraff 7(d) yn mewnosod rheol G2B (cyfraniadau pensiwn cyfanredol at ddibenion dyfarndaliadau) sy'n ail-wneud y rhan fwyaf o'r rheol A8 (cyfraniadau pensiwn cyfanredol at ddibenion dyfarndaliadau) a hepgorwyd, ond gyda rhai diwygiadau.

Ym mharagraff 8 mewnosodir un rheol newydd a rhoddir 2 reol newydd arall yn lle'r rhai presennol yn Rhan H (dyfarnu cwestiynau ac apelau). Mae'r rhain yn galluogi—

- adolygu barn feddygol pan fo tystiolaeth newydd (rheol H1A: adolygu barn feddygol);
- gwella'r weithdrefn mewn apêl (rheol newydd H2: apêl i ganolwr meddygol);
- diddymu'r hawl i apelio i Lys y Goron neu Siryf, ac yn lle hynny sefydlu trefniadau ar gyfer datrys anghydfodau gan yr awdurdod tân ac achub o dan adran 50 o Ddeddf Pensiynau 1995 (rheol H3: apelau ar faterion eraill).

Mae paragraff 9 yn diwygio'r darpariaethau yn Rhan I (aelodau o'r lluoedd arfog) i adlewyrchu newidiadau yn y ddeddfwriaeth berthnasol.

Paragraph 4 substitutes a new rule D5 (child's allowance: limitations and duration).

Paragraph 5 makes various amendments to Part E (awards on death — additional provisions).

Paragraph 6 amends Part F (pensionable service and transfer values) and in particular inserts new rule F1A (reckoning of service for purposes of awards) which repeats most of the provisions of the omitted rule A7.

Paragraph 7(a) amends the definition of pensionable pay in rule G1(1) to include payments which are pensionable under additional pension benefit (new rule B5C(1)) and provide that average pensionable pay is calculated without including any additional pension benefit payable under rule B5C. Rule G1 is also amended by the insertion of a new paragraph (9) to provide that payments which are not within the definition of pensionable pay in rule G1(1)(a) as amended, other than additional pension benefits payable for long service or in respect of a firefighter's continual professional development, should remain pensionable only whilst the firefighter continues to receive them.

Paragraph 7(d) inserts rule G2B (aggregate pension contributions for the purposes of awards) which repeats most of omitted rule A8 (aggregate pension contributions for purposes of awards) with some amendments.

Paragraph 8 inserts a new rule and substitutes 2 new rules in Part H (determination of questions and appeals). These enable—

- the review of medical opinion where there is new evidence (rule H1A: review of medical opinion);
- improve the procedure of an appeal (new rule H2: appeal to medical referee);
- remove the right of appeal to the Crown Court or Sheriff and replace it with arrangements implemented for dispute resolution by the fire and rescue authority under section 50 of the Pensions Act 1995 (rule H3: appeals on other issues).

Paragraph 9 amends the provisions in Part I (servicemen) to reflect changes in the relevant legislation.

Mae paragraff 12(b) yn diwygio rheol K1A i ddileu hawlogaeth aelod gohiriedig i gael taliadau pensiwn gohiriedig yn gynnar pan fo'r aelod wedi dod yn alluog i ymgymryd â chyflogaeth reolaidd. Mae paragraff 12(c) yn rhoi rheol K4 newydd yn lle'r un bresennol er mwyn estyn pŵer yr awdurdod tân ac achub i dynnu pensiwn yn ôl, neu ei gwtogi, fel y bo'n gymwys pan fo pensiywr yn ymgymryd â chyflogaeth gydag awdurdod mewn unrhyw rôl. Mae'r diwygiad hwn yn cael effaith ôl-weithredol o 25 Medi 2009.

Mae paragraff 14(a)(iv) yn mewnosod paragraff (9) newydd yn rheol LA2 (taliadau arbennig a throsglwyddiadau i mewn i Gronfa Bensiwn y Diffoddwyr Tân). Gwneir yn ofynnol bod awdurdod tân ac achub yn trosglwyddo i Gronfa Bensiwn y Diffoddwyr Tân swm sy'n hafal i swm unrhyw bensiwn a delir i berson y mae'r awdurdod wedi dewis peidio ag arfer ei ddisgresiwn mewn cysylltiad ag ef i dynnu'n ôl y swm a ganiateir o bensiwn yr unigolyn, neu ei gwtogi, o dan reol K4 (tynnu pensiwn yn ôl yn ystod cyflogaeth gydag awdurdod tân ac achub). Nid yw'r diwygiad hwn yn cael effaith mewn perthynas â phensiywr a ymgymerodd â chyflogaeth cyn y dyddiad y daw'r Gorchymyn hwn i rym.

Mae paragraff 15(f), (j) a (k) yn diwygio'r diffiniad o "retained firefighter" a "volunteer firefighter" fel eu bod wedi eu diffinio ar wahân yn awr.

Mae paragraff 20(b) yn ganlyniadol i ddiwygiadau a wnaed i Gynllun Pensiwn Newydd y Diffoddwyr Tân (Cymru) gan O.S. 2014/3254 (W.330) sy'n darparu mynediad i gynllun pensiwn am y cyfnod rhwng 1 Gorffennaf 2000 a 6 Ebrill 2006, ar gyfer personau yng Nghymru a gyflogid fel diffoddwyr tân wrth gefn yn y cyfnod hwnnw. Mae paragraff 20(b) yn diwygio Rhan 4 o Atodlen 6 i'r Cynllun. Gwneir y diwygiad er mwyn darparu swm gwahanol o werth trosglwyddo pa fo aelod o'r Cynllun yn bodloni gofynion penodol.

Mae paragraff 23 yn diwygio Rhan 1 (apêl i fwrdd canolwyr meddygol) o Atodlen 9 (apelau) i'r Cynllun, drwy roi paragraffau 1(1), 2, 8(2), ac 8(2A) newydd yn lle'r rhai presennol a mewnosod paragraff 2B a pharagraff 6A newydd. Mae'r diwygiadau hyn yng ngweithdrefnau'r bwrdd yn ei alluogi i adolygu ei benderfyniad os gwnaed camgymeriad ffeithiol perthnasol, i benodi aelod adolygu i sicrhau bod gan y bwrdd yr holl ddogfennau sy'n ofynnol cyn cynnal gwrandawriad, a hefyd yn darparu seiliau ychwanegol fel y caiff awdurdod ei gwneud yn ofynnol bod apelydd yn talu rhan neu'r cyfan o gostau'r bwrdd. Mae paragraff 23(2) yn hepgor Rhan 2 (tribiwnlysoedd apêl), o ganlyniad i ddiwygio rheol H3 (apelau ar faterion eraill).

Paragraph 12(b) amends rule K1A to remove a deferred member's entitlement to the early payment of a deferred pension where the member has become capable of undertaking regular employment. Paragraph 12(c) substitutes a new rule K4 which extends the fire and rescue authority's power to withdraw or abate pension so this applies when a pensioner takes up employment in any role with an authority. This amendment has retrospective effect from 25 September 2009.

Paragraph 14(a)(iv) inserts a new paragraph (9) in rule LA2 (special payments and transfers into Firefighters' Pension Fund). This requires a fire and rescue authority to transfer into the Firefighters' Pension Fund an amount equal to the amount of pension paid to a person in respect of whom the authority choose not to exercise its discretion to withdraw or abate the permitted amount of the individual's pension under rule K4 (withdrawal of pension whilst employed by a fire and rescue authority). This amendment does not have effect in relation to a pensioner who took up employment before the date on which this Order comes into force.

Paragraph 15(f), (j) and (k) amends the definition of "retained firefighter" and "volunteer firefighter" so that they are now defined separately.

Paragraph 20(b) is consequential on the amendments made to the New Firefighters' Pension Scheme (Wales) by S.I. 2014/3254 (W.330) which provide those persons who were employed in Wales as retained firefighters between 1 July 2000 and 6 April 2006 with access to a pension scheme for that period. Paragraph 20(b) amends Part 4 of Schedule 6 to the Scheme. The amendment is to provide a different amount of transfer value where the member of the Scheme meets certain requirements.

Paragraph 23 amends Part 1 (appeal to board of medical referees) of Schedule 9 (appeals) to the Scheme by the substitution of new paragraphs for paragraphs 1(1), 2, 8(2) and 8(2A) and the insertion of a new paragraph 2B and 6A. These amendments to procedures of the board enable the board to review its decision where there has been a material error of fact, to appoint a reviewing member to ensure it has all documents required before a hearing and also to increase the grounds on which the authority may require the appellant to pay some or all of the board's costs. Paragraph 23(2) omits Part 2 (appeal tribunals) which is consequential on the amendment of rule H3 (appeals on other issues).

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

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

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

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

**2014 Rhif 3242 (Cy. 329)**

**2014 No. 3242 (W. 329)**

**GWASANAETHAU TÂN AC  
ACHUB, CYMRU**

**FIRE AND RESCUE  
SERVICES, WALES**

**PENSIYNAU, CYMRU**

**PENSIONS, WALES**

**Gorchymyn Cynllun Pensiwn y  
Dynion Tân (Cymru) (Diwygio)  
2014**

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

*Gwnaed* 8 Rhagfyr 2014

*Made* 8 December 2014

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 10 Rhagfyr 2014

*Laid before the National Assembly for  
Wales* 10 December 2014

*Yn dod i rym* 31 Rhagfyr 2014

*Coming into force* 31 December 2014

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 26(1) i (5) o Ddeddf y Gwasanaethau Tân 1947(1) ac adran 12 o Ddeddf Blwydd-daliadau 1972(2) fel y'i cymhwysir an adran 16(3)(3) o'r Ddeddf honno, ac a freinir

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by section 26(1) to (5) of the Fire Services Act 1947(1) and section 12 of the Superannuation Act 1972(2) as applied by section 16(3)(3) of that Act, and now vested in

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(1) 1947 p. 41, a ddiwydiwyd gan adran 52 o Ddeddf y Gwasanaethau Tân ac Achub 2004 (p. 21) ac Atodlen 2 i'r Ddeddf honno. Mae is-adrannau (1) i (5) o adran 26 yn parhau i gael effaith o ran Cymru at ddibenion y cynllun a sefydlwyd o dan yr adran honno, sef Cynllun Pensiwn y Dynion Tân, ac a bennir yng Ngorchymyn Cynllun Pensiwn y Dynion Tân 1992 (O.S. 1992/129), yn rhinwedd erthygl 3 o O.S. 2004/2918 (Cy. 257). Drwy erthygl 4 o'r offeryn hwnnw, newidiwyd enw'r Cynllun i Gynllun Pensiwn y Dynion Tân (Cymru). Diwygiwyd adran 26 o Ddeddf 1947 gan nifer o wahanol Ddeddfau, ond nid yw'r diwygiadau hynny'n berthnasol i'r Gorchymyn hwn.

(2) 1972 p. 11; diwygiwyd adran 12 gan Ddeddf Pensiynau (Darpariaethau Amrywiol) 1990 (p. 7).

(3) Diddymwyd adran 16 gan adran 52 o Ddeddf y Gwasanaethau Tân ac Achub 2004 ac Atodlen 2 i'r Ddeddf honno, ond mae'n parhau i gael effaith o ran Cymru yn rhinwedd erthygl 3(2) o Orchymyn Deddf y Gwasanaethau Tân ac Achub 2004 (Cynllun Pensiwn y Dynion Tân) (Cymru) 2004 O.S. 2004/2918 (Cy. 257).

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(1) 1947 c. 41, repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c. 21). Subsections (1) to (5) of section 26 continue to have effect, in relation to Wales, for the purposes of the scheme established under that section as the Firemen's Pension Scheme and set out in the Firemen's Pension Scheme Order 1992 (S.I. 1992/129), by virtue of article 3 of S.I. 2004/2918 (W. 257). By article 4 of that instrument the name of the Scheme was changed to the Firefighters' Pension (Wales) Scheme. Section 26 of the 1947 Act was amended by various Acts but those amendments are not relevant to this Order.

(2) 1972 c. 11; section 12 was amended by the Pensions (Miscellaneous Provisions) Act 1990 (c. 7).

(3) Section 16 was repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 but continues to have effect, in relation to Wales, by virtue of article 3(2) of the Fire and Rescue Services Act 2004 (Firefighters' Pension Scheme) (Wales) Order 2004 S.I. 2004/2918 (W. 257).



bellach ynddynt hwy(1), yn gwneud y Gorchymyn a ganlyn:

### Enwi, cychwyn a dehongli

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

(2) Daw'r Gorchymyn hwn i rym ar 31 Rhagfyr 2014, ond, yn ddarostyngedig i baragraffau (3) i (5), mae'n cael effaith o 1 Gorffennaf 2013 ymlaen(2).

(3) Mae paragraff 12(c) o'r Atodlen i'r Gorchymyn hwn, a chymaint o erthygl 2 ag sy'n ymwneud â'r ddarpariaeth honno, yn cael effaith o 25 Medi 2009 ymlaen.

(4) Mae darpariaethau canlynol yr Atodlen i'r Gorchymyn hwn, a chymaint o erthygl 2 ag sy'n ymwneud â'r darpariaethau hynny, yn cael effaith o 11 Ebrill 2011 ymlaen—

- (a) paragraff 2(f)(ii),(iii) a (iv); a
- (b) paragraff 2(g) (sy'n mewnosod rheol B5C (budd pensiwn ychwanegol)), i'r graddau y mae'n ymwneud â'r budd pensiwn ychwanegol o dan baragraff (3) o reol B5C, a'r diffiniadau o "beginning date" a "following relevant tax year" ym mharagraff (6) o reol B5C.

(5) Mae darpariaethau canlynol yr Atodlen i'r Gorchymyn hwn, a chymaint o erthygl 2 ag sy'n ymwneud â'r darpariaethau hynny, yn cael effaith o 1 Ebrill 2014—

- (a) paragraff 15(f), (k) ac (l); a
- (b) paragraff 20(b).

(6) Yn y Gorchymyn hwn—

ystyr "awdurdod tân ac achub perthnasol" ("*relevant fire and rescue authority*") mewn perthynas â pherson sydd â hawlogaeth i gael pensiwn neu berson y mae pensiwn yn daladwy iddo, yw—

- (a) yr awdurdod tân ac achub a fu'n cyflogi'r person hwnnw felly, ddiwethaf; neu

them(1), make the following Order:

### Title, commencement and interpretation

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

(2) This Order comes into force on 31 December 2014, but, subject to paragraphs (3) to (5), has effect from 1 July 2013(2).

(3) Paragraph 12(c) of the Schedule to this Order, and so much of article 2 as relates to that provision, has effect from 25 September 2009.

(4) The following provisions of the Schedule to this Order, and so much of article 2 as relates to those provisions, have effect from 11 April 2011—

- (a) paragraph 2(f)(ii),(iii) and (iv); and
- (b) paragraph 2(g) (which inserts rule B5C (additional pension benefit)), so far as it relates to the additional pension benefit under paragraph (3) of rule B5C, and the definitions of "beginning date" and "following relevant tax year" in paragraph (6) of rule B5C.

(5) The following provisions of the Schedule to this Order, and so much of article 2 as relates to those provisions, have effect from 1 April 2014—

- (a) paragraph 15(f), (k) and (l); and
- (b) paragraph 20(b).

(6) In this Order—

"the 1992 Order" ("*Gorchymyn 1992*") means the Firemen's Pension Scheme Order 1992(3);

"relevant fire and rescue authority" ("*awdurdod tân ac achub perthnasol*") in relation to a person entitled to a pension, or in respect of whom a pension is payable, means—

- (a) the fire and rescue authority by whom that person was last so employed; or

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(1) Mae swyddogaethau'r Ysgrifennydd Gwladol o dan adran 26 o Ddeddf y Gwasanaethau Tân 1947, i'r graddau y maent yn arferadwy o ran Cymru, bellach wedi eu breinio yng Ngweinidogion Cymru. Yr oeddent wedi eu breinio'n flaenorol yng Nghynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), gweler yr eitem ar gyfer Deddf y Gwasanaethau Tân 1947 yn Atodlen 1 i'r Gorchymyn hwnnw. Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32), trosglwyddwyd y swyddogaethau i Weinidogion Cymru.

(2) Rhoddir pŵer i roi effaith yn ôl-weithredol gan adran 12(1) o Ddeddf Blwydd-daliadau 1972 (p. 11).

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(1) The Secretary of State's functions under section 26 of the Fire Services Act 1947 are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously vested in the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), see the entry for the Fire Services Act 1947 in Schedule 1 to that Order. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers.

(2) Power to give retrospective effect is conferred by section 12(1) of the Superannuation Act 1972 (c. 11).

(3) S.I. 1992/129; amended by S.I.s 1997/2309 and 2851, 1998/1010, 2001/3649 and 3691, 2004/1912 and 2918 (W. 257), 2006/1672 (W. 160), 2007/1074 (W. 112), 2009/1226 (W. 109), 2010/234, 2012/974 (W. 128), 2013/736 (W. 88) and 2014/522 (W. 63).

(b) os peidiodd cyflogaeth y person hwnnw cyn 1 Hydref 2004, yr awdurdod tân ac achub a etifeddodd rwymedigaethau'r awdurdod tân a fu'n cyflogi'r person hwnnw ddiwethaf;

ystyr "y Cynllun" (*"the Scheme"*) yw Cynllun Pensiwn y Dynion Tân (Cymru) fel y'i pennir yn Atodlen 2 i Orchymyn 1992; ac

ystyr "Gorchymyn 1992" (*"the 1992 Order"*) yw Gorchymyn Cynllun Pensiwn y Dynion Tân 1992(1).

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

2. Mae Atodlen 2 i Orchymyn 1992 (y pennir ynddi Gynllun Pensiwn y Dynion Tân (Cymru)) wedi ei diwygio yn unol â'r Atodlen i'r Gorchymyn hwn.

### **Darpariaethau trosiannol**

3.—(1) Nid yw'r diwygiadau a wneir gan baragraff 14(a)(iv) o'r Atodlen i'r Gorchymyn hwn, i'r graddau y maent yn ymwneud â mewnosod paragraff (9) yn rheol LA2 (taliadau arbennig a throsglwyddiadau i Gronfa Bensiwn y Diffoddwyr Tân), yn cael effaith mewn perthynas â pherson sydd â hawl i gael taliadau pensiwn o dan y Cynllun ac a gyflogir gan unrhyw awdurdod tân ac achub, mewn cyflogaeth a ymgymerwyd gan y person hwnnw ar ddyddiad cynharach nag 1 Gorffennaf 2013.

(2) Mewn achos y mae paragraff (1) yn gymwys iddo, mae rheol LA2 o'r Cynllun, yn y ffurf yr oedd yn bodoli yn union cyn i'r Gorchymyn hwn ddod i rym, yn parhau i gael effaith mewn perthynas â pherson o'r fath.

4.—(1) Mae'r erthygl hon yn gymwys i ddiwygiad a wneir gan erthygl 2 a'r Atodlen i'r Gorchymyn hwn sy'n gymwys mewn perthynas â'r pensiynau a delir neu a ddaw'n daladwy o dan y Cynllun i bersonau neu mewn perthynas â phersonau sydd, ar ôl gwasanaethu mewn cyflogaeth y mae gwasanaeth ynddi'n cymhwyso personau i gyfranogi yn y buddion y mae'r Cynllun yn darparu ar eu cyfer, wedi peidio â gwasanaethu yn y gyflogaeth honno cyn 1 Gorffennaf 2013 (pa un a ydynt wedi aildechrau gwasanaethu felly yn ddiweddarach ai peidio), neu a fu farw cyn y dyddiad hwnnw.

(b) where that person's employment ceased before 1 October 2004, the fire and rescue authority which inherited the liabilities of the fire authority which last employed that person; and

"the Scheme" (*"y Cynllun"*) means the Firefighters' Pension (Wales) Scheme as set out in Schedule 2 to the 1992 Order.

### **Amendment to the Firemen's Pension Scheme Order 1992**

2. Schedule 2 to the 1992 Order (in which is set out the Firefighters' Pension (Wales) Scheme) is amended in accordance with the Schedule to this Order.

### **Transitional provisions**

3.—(1) The amendments made by paragraph 14(a)(iv) of the Schedule to this Order, so far as they relate to the insertion of paragraph (9) to rule LA2 (special payments and transfers into Firefighters' Pension Fund), do not have effect in relation to a person who is entitled to the payment of a pension under the Scheme and is employed by any fire and rescue authority in employment which that person took up at a date earlier than 1 July 2013.

(2) In a case to which paragraph (1) applies, rule LA2 of the Scheme, in the form in which it existed immediately before the coming into force of this Order, continues to have effect in relation to such a person.

4.—(1) This article applies to an amendment made by article 2 and the Schedule to this Order which applies in relation to the pensions which are being paid or become payable under the Scheme to or in respect of persons who, having served in an employment, service in which qualifies persons to participate in the benefits for which the Scheme provides, have ceased to serve in that employment before 1 July 2013 (whether or not they have subsequently recommenced any such service) or have died before that date.

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(1) O.S. 1992/129; diwygiwyd gan O.S.au 1997/2309 a 2851, 1998/1010, 2001/3649 a 3691, 2004/1912 a 2918 (Cy. 257), 2006/1672 (Cy. 160), 2007/1074 (Cy. 112), 2009/1226 (Cy. 109), 2010/234, 2012/974 (Cy. 128), 2013/736 (Cy. 88) a 2014/522 (Cy. 63).

(2) Caiff unrhyw berson, a osodir mewn gwaeth safle nag y byddai wedi bod ynddo pe na bai diwygiad y mae'r erthygl hon yn gymwys iddo wedi ei wneud mewn perthynas ag unrhyw bensiwn a delir neu a allai ddod yn daladwy i'r person hwnnw, wneud dewisiad i'r perwyl na fydd diwygiad yn gymwys mewn perthynas â'r pensiwn hwnnw.

(3) Rhaid i unrhyw ddewisiad o'r fath gael ei wneud drwy roi hysbysiad ysgrifenedig i'r awdurdod tân ac achub perthnasol o fewn y cyfnod o 12 mis sy'n cychwyn gyda'r dyddiad y daw'r Gorchymyn hwn i rym.

(2) Any person who is placed in a worse position than that person would have been in if an amendment to which this article applies had not been made in relation to any pension which is being paid or may become payable to that person may elect that the amendment is not to apply in relation to that pension.

(3) Any such election is to be made by giving written notice to the relevant fire and rescue authority within the period of 12 months starting with the date on which this Order comes into force.

*Leighton Andrews*

Y Gweinidog Gwasanaethau Cyhoeddus, un o  
Weinidogion Cymru

8 Rhagfyr 2014

Minister for Public Services, one of the Welsh  
Ministers

8 December 2014

DIWYGIO CYNLLUN PENSIWN Y  
DYNION TÂN (CYMRU)

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

(a) yn rheol A3 (ei gymhwyso at ddiffoddwyr tân rheolaidd yn unig)—

(i) ym mharagraff (1), yn lle “the Social Security Act 1975” rhodder “the 1993 Act”;

(ii) hepgorer paragraff (3);

(iii) yn lle paragraff (5) rhodder—

“(5) This Scheme applies to a person who took up employment with a fire and rescue authority on or before 5th April 2006 and remains in continuous pensionable service.”; a

(b) hepgorer rheolau A4 i A8, A12, A14 ac A15.

2. Yn Rhan B (dyfardaliadau personol)—

(a) yn rheol B1 (pensiwn cyffredin), ar ôl paragraff (3) ychwaneger—

“(4) Paragraph (2)(b) does not apply to a chief fire officer appointed after 1st July 2013.”;

(b) yn rheol B2 (dyfardal gwasanaeth byr)—

(i) ym mharagraff (1)(a), yn lle “retires on or after normal pension age” rhodder “retires at or after normal pension age”; a

(ii) ym mharagraff (2)(a), yn lle “Part II of Schedule 2; and” rhodder “for Part 2 of Schedule 2.”;

(c) yn rheol B3 (dyfardaliadau afiechyd)—

(i) ym mharagraff (1), yn lle “who is required to retire under rule A15 (compulsory retirement on grounds of disablement)” rhodder “who retires by reason of permanent disablement(1)”;

(ii) yn lle paragraff (2) rhodder—

“(2) A regular firefighter who is entitled—

(a) to reckon at least two years but less than five years pensionable service becomes entitled on retiring to a lower tier ill-health pension calculated in accordance with paragraph 2 of Part 3 of Schedule 2; or

AMENDMENT OF THE  
FIREFIGHTERS’ PENSION (WALES)  
SCHEME

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

(a) in rule A3 (exclusive application to regular firefighters)—

(i) in paragraph (1), for “the Social Security Act 1975” substitute “the 1993 Act”;

(ii) omit paragraph (3);

(iii) for paragraph (5) substitute—

“(5) This Scheme applies to a person who took up employment with a fire and rescue authority on or before 5th April 2006 and remains in continuous pensionable service.”; and

(b) omit rules A4 to A8, A12, A14 and A15.

2. In Part B (personal awards)—

(a) in rule B1 (ordinary pension), after paragraph (3) add—

“(4) Paragraph (2)(b) does not apply to a chief fire officer appointed after 1st July 2013.”;

(b) in rule B2 (short service award)—

(i) in paragraph (1)(a), for “retires on or after normal pension age” substitute “retires at or after normal pension age”; and

(ii) in paragraph (2)(a), for “Part II of Schedule 2; and” substitute “for Part 2 of Schedule 2.”;

(c) in rule B3 (ill health awards)—

(i) in paragraph (1), for “who is required to retire under rule A15 (compulsory retirement on grounds of disablement)” substitute “who retires by reason of permanent disablement(1)”;

(ii) for paragraph (2) substitute—

“(2) A regular firefighter who is entitled—

(a) to reckon at least two years but less than five years pensionable service becomes entitled on retiring to a lower tier ill-health pension calculated in accordance with paragraph 2 of Part 3 of Schedule 2; or

(1) O fewn yr ystyr yn rheol A10 (anabledd).

(1) Within the meaning of rule A10 (disablement).

- (b) to reckon at least five years' pensionable service becomes entitled on retiring—
  - (i) where paragraph (3) applies, to a lower tier ill-health pension calculated in accordance with paragraph 2 of Part 3 of Schedule 2, or
  - (ii) where paragraph (4) applies, to the pensions referred to in paragraph (5).”;
- (iii) ym mharagraff (5)(a), hepgorer “or 3 (as the case may be)”; a
- (iv) ym mharagraff (7), yn lle “the issue of his capacity for employment arises” rhodder “the question of the firefighter’s disablement arises for decision”;
- (d) yn rheol B5 (pensiwn gohiriedig)—
  - (i) ar ôl paragraff (1)(d)(i)(bb) mewnosoder—
    - “(cc) any period of absence from duty without pay, not reckonable as pensionable service under rule F2(3), and”; a
  - (ii) hepgorer paragraff (5);
- (e) yn rheol B5A (yr hawlogaeth i gael dau pensiwn)—
  - (i) ym mharagraff (2), yn lle “The amounts” rhodder “Subject to paragraph (4A), the amounts”; a
  - (ii) ar ôl paragraff (4) mewnosoder—
    - “(4A) Where a firefighter is entitled to—
      - (a) a lower tier ill-health pension where rule B3(3) applies,
      - (b) a higher tier ill-health pension where rule B3(4) applies, or
      - (c) a deferred pension under rule B5,
 the amount of the first and second pension is to be calculated in accordance with Part 3 or Part 6 (as the case may be) of Schedule 2 with the formula in this rule as modified by paragraph (4B).
    - (4B) For the purpose of the calculation in paragraph (4A)—
      - (a) the amount of the first pension is that found by applying the formula—
        - $(A / B) \times (B / C) \times G$ ;
      - (b) the amount of the second pension is that found by applying the formula—

- (b) to reckon at least five years' pensionable service becomes entitled on retiring—
  - (i) where paragraph (3) applies, to a lower tier ill-health pension calculated in accordance with paragraph 2 of Part 3 of Schedule 2, or
  - (ii) where paragraph (4) applies, to the pensions referred to in paragraph (5).”;
- (iii) in paragraph (5)(a), omit “or 3 (as the case may be)”; and
- (iv) in paragraph (7), for “the issue of his capacity for employment arises” substitute “the question of the firefighter’s disablement arises for decision”;
- (d) in rule B5 (deferred pension)—
  - (i) after paragraph (1)(d)(i)(bb) insert—
    - “(cc) any period of absence from duty without pay, not reckonable as pensionable service under rule F2(3), and”; and
  - (ii) omit paragraph (5);
- (e) in rule B5A (entitlement to two pensions)—
  - (i) in paragraph (2), for “The amounts” substitute “Subject to paragraph (4A), the amounts”; and
  - (ii) after paragraph (4) insert—
    - “(4A) Where a firefighter is entitled to—
      - (a) a lower tier ill-health pension where rule B3(3) applies,
      - (b) a higher tier ill-health pension where rule B3(4) applies, or
      - (c) a deferred pension under rule B5,
 the amount of the first and second pension is to be calculated in accordance with Part 3 or Part 6 (as the case may be) of Schedule 2 with the formula in this rule as modified by paragraph (4B).
    - (4B) For the purpose of the calculation in paragraph (4A)—
      - (a) the amount of the first pension is that found by applying the formula—
        - $(A / B) \times (B / C) \times G$ ;
      - (b) the amount of the second pension is that found by applying the formula—

- (F / C) x G;
- (c) in sub-paragraphs (a) and (b) A, B and C have the same meaning as in paragraph (3), E and F have the same meaning as in paragraph (4) and G is the amount of the single pension that the firefighter would otherwise have been awarded.”;
- (f) yn rheol B5B (budd pensiwn ychwanegol: cynyddiad am wasanaeth hir)—
- (i) ym mharagraff (2), yn lle’r geiriau ar ôl y fformiwla rhodder—

“where—

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

B is the number in years (counting part of a year as the appropriate fraction) by which the firefighter’s continuous pensionable service in the employment of a fire and rescue authority and subsequent to continuous pensionable service in the employment of another fire and rescue authority in Wales up to and including 30th June 2007, exceeds 20 but does not exceed 30.”;

- (ii) ym mharagraff (3), yn lle “Where” rhodder “Until 11th April 2011, where”;
- (iii) ar ôl paragraff (3), mewnosoder—

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

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

- (F / C) x G;
- (c) in sub-paragraphs (a) and (b) A, B and C have the same meaning as in paragraph (3), E and F have the same meaning as in paragraph (4) and G is the amount of the single pension that the firefighter would otherwise have been awarded.”;
- (f) in rule B5B (additional pension benefit: long service increment)—
- (i) in paragraph (2), for the words after the formula substitute—

“where—

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

B is the number in years (counting part of a year as the appropriate fraction) by which the firefighter’s continuous pensionable service in the employment of a fire and rescue authority and subsequent to continuous pensionable service in the employment of another fire and rescue authority in Wales up to and including 30th June 2007, exceeds 20 but does not exceed 30.”;

- (ii) in paragraph (3), for “Where” substitute “Until 11th April 2011, where”;
- (iii) after paragraph (3), insert—

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

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

(iv) ym mharagraff (4), yn lle “(3)” rhodder “(3) and (3A)”;

(v) ym mharagraff (5)—

(aa) o flaen yr ymadrodd “relevant tax year” mewnosoder—

““the beginning date” means the date on which the pension is treated as beginning for the purposes of section 8(2) of the Pensions (Increase) Act 1971;

“following relevant tax year” means the tax year after the relevant tax year, in relation to which the member is not in receipt of a pension under this Scheme or entitled to a deferred pension under rule B5;”;

(bb) yn is-baragraff (b) o’r diffiniad o “relevant tax year”, yn lle “rule B3” rhodder “rule B5”; ac

(g) yn lle rheol B5C (budd pensiwn ychwanegol: datblygiad proffesiynol parhaus) rhodder—

#### “B5C Additional pension benefit

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

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

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

(iv) in paragraph (4) for “(3)” substitute “(3) and (3A)”;

(v) in paragraph (5)—

(aa) before the expression “relevant tax year” insert—

““the beginning date” means the date on which the pension is treated as beginning for the purposes of section 8(2) of the Pensions (Increase) Act 1971;

“following relevant tax year” means the tax year after the relevant tax year, in relation to which the member is not in receipt of a pension under this Scheme or entitled to a deferred pension under rule B5;”;

(bb) in sub-paragraph (b) of the definition of “relevant tax year”, for “rule B3” substitute “rule B5”; and

(g) for rule B5C (additional pension benefit: continual professional development), substitute—

#### “B5C Additional pension benefit

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

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

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

and the beginning date for that pension were 1st July of the tax year immediately before the relevant tax year.

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

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

- (a) any allowance or supplement to reward additional skills and responsibilities that are applied and maintained outside the requirements of the firefighter's duties under the contract of employment but are within the wider functions of the job;
- (b) the amount (if any) paid in respect of a firefighter's continual professional development;
- (c) the difference between the firefighter's basic pay in his or her day to day role and any pay received whilst on temporary promotion or where the firefighter is temporarily required to undertake the duties of a higher role;
- (d) any performance related payment which is not consolidated into his or her standard pay.

(6) In this rule—

“additional pension benefit year” means the period of 12 months beginning with 1st July in which a firefighter is in receipt of any of the benefits listed in paragraph (5).

“the beginning date” means the date on which the pension is treated as beginning for the purposes of section 8(2) of the Pensions (Increase) Act 1971;

“following relevant tax year” means the tax year after the relevant tax year, in relation to which the member is not a pensioner member or entitled to a deferred pension under rule B5;

“relevant tax year” means a tax year in relation to which—

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

and the beginning date for that pension were 1st July of the tax year immediately before the relevant tax year.

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

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

- (a) any allowance or supplement to reward additional skills and responsibilities that are applied and maintained outside the requirements of the firefighter's duties under the contract of employment but are within the wider functions of the job;
- (b) the amount (if any) paid in respect of a firefighter's continual professional development;
- (c) the difference between the firefighter's basic pay in his or her day to day role and any pay received whilst on temporary promotion or where the firefighter is temporarily required to undertake the duties of a higher role;
- (d) any performance related payment which is not consolidated into his or her standard pay.

(6) In this rule—

“additional pension benefit year” means the period of 12 months beginning with 1st July in which a firefighter is in receipt of any of the benefits listed in paragraph (5).

“the beginning date” means the date on which the pension is treated as beginning for the purposes of section 8(2) of the Pensions (Increase) Act 1971;

“following relevant tax year” means the tax year after the relevant tax year, in relation to which the member is not a pensioner member or entitled to a deferred pension under rule B5;

“relevant tax year” means a tax year in relation to which—

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



- (b) the firefighter is not in receipt of a pension under this Scheme or entitled to a deferred pension under rule B5; and
- “tax year” means the period of 12 months beginning with 6th April.”;
- (h) yn rheol B5D (buddion pensiwn ychwanegol: darpariaethau atodol)—
- (i) ym mharagraff (2), yn lle “paragraphs (4) and (5)” rhodder “paragraph (4)”; a
- (ii) ym mharagraff (3), hepgorer “(rule A15)”;
- (i) yn rheol B7 (cymudo — darpariaeth gyffredinol)—
- (i) ym mharagraff (3), yn lle “Government Actuary” rhodder “Scheme Actuary”;
- (ii) ym mharagraff (5), yn lle “In the case of” rhodder “Subject to paragraph (5A), in the case of”;
- (iii) ar ôl paragraff (5), mewnosoder—
- “(5A) Subject to paragraph (4), a fire and rescue authority may, having regard to—
- (a) the economical, effective and efficient management of their functions, and
- (b) the costs likely to be incurred in the particular case,
- pay a lump sum in excess of two and a quarter times the full amount of the pension.”; a
- (iv) ym mharagraff (11), yn lle “serviceman” rhodder “reservist”;
- (j) yn rheol B8 (cymudo — pensiynau bach)—
- (i) ym mharagraff (2), yn lle “Government Actuary” rhodder “Scheme Actuary”; a
- (ii) ar ôl paragraff (3) ychwaneger—
- “(4) On the day on which the pension is commuted under this rule, all other entitlements to a pension under this Scheme are extinguished.”;
- (k) yn rheol B9 (dyrannu)—
- (i) ym mharagraff (7), yn lle “the date on which he intends to retire” rhodder “the day before the pension comes into payment”;
- (ii) ym mharagraff (13), yn lle “Government Actuary” rhodder “Scheme Actuary”;
- (iii) ym mharagraff (16), yn lle “serviceman” rhodder “reservist”;
- (l) yn rheol B12 (aelodau â debyd pensiwn), yn is-baragraff (a), yn lle “Government Actuary” rhodder “Scheme Actuary”.
- (b) the firefighter is not in receipt of a pension under this Scheme or entitled to a deferred pension under rule B5; and
- “tax year” means the period of 12 months beginning with 6th April.”;
- (h) in rule B5D (additional pension benefits: supplementary provisions)—
- (i) in paragraph (2), for “paragraphs (4) and (5)” substitute “paragraph (4)”; and
- (ii) in paragraph (3), omit “(rule A15)”;
- (i) in rule B7 (commutation — general provision)—
- (i) in paragraph (3), for “Government Actuary” substitute “Scheme Actuary”;
- (ii) in paragraph (5), for “In the case of” substitute “Subject to paragraph (5A), in the case of”;
- (iii) after paragraph (5), insert—
- “(5A) Subject to paragraph (4), a fire and rescue authority may, having regard to—
- (a) the economical, effective and efficient management of their functions, and
- (b) the costs likely to be incurred in the particular case,
- pay a lump sum in excess of two and a quarter times the full amount of the pension.”; and
- (iv) in paragraph (11), for “serviceman” substitute “reservist”;
- (j) in rule B8 (commutation — small pensions)—
- (i) in paragraph (2), for “Government Actuary” substitute “Scheme Actuary”; and
- (ii) after paragraph (3) add—
- “(4) On the day on which the pension is commuted under this rule, all other entitlements to a pension under this Scheme are extinguished.”;
- (k) in rule B9 (allocation)—
- (i) in paragraph (7), for “the date on which he intends to retire” substitute “the day before the pension comes into payment”;
- (ii) in paragraph (13), for “Government Actuary” substitute “Scheme Actuary”;
- (iii) in paragraph (16), for “serviceman” substitute “reservist”;
- (l) in rule B12 (pension debit members), in subparagraph (a), for “Government Actuary” substitute “Scheme Actuary”.

3. Yn Rhan C (dyfardal yn sgil marwolaeth — priodau)—

(a) yn rheol C1 (pensiwn cyffredin priod), yn lle paragraff (2) rhodder—

“(2) Where this rule applies the surviving spouse is entitled to an ordinary pension calculated in accordance with Part 1 of Schedule 3”;

(b) yn rheol C10 (aelodau â debyd pensiwn), yn lle “Government Actuary” rhodder “Scheme Actuary”.

4. Yn Rhan D (dyfardaliadau yn sgil marwolaeth — plant), yn lle rheol D5 (lwfans plentyn neu arian rhodd arbennig – cyfyngiadau) rhodder—

**“D5 Child’s allowance: limitations and duration**

(1) Subject to paragraphs (2) and (3), a child is not eligible if the child—

- (a) is 18 or older;
- (b) has ceased full-time education and is in paid employment; or
- (c) is married or has entered into a civil partnership.

(2) A child aged 18 but not more than 23 is eligible if the child is in full-time education or attending a course of at least one year’s duration.

(3) A child aged 18 or more is eligible if, when the deceased dies, the child is dependent on the deceased by reason of permanent disablement.

(4) A child is not eligible if the child is convicted of the murder of the deceased, but this is subject to paragraph (6).

(5) Subject to paragraph (7), where the child is convicted of the manslaughter of the deceased, the authority may as they think fit, withhold the child’s allowance—

- (a) in whole or in part, and
- (b) permanently or temporarily.

(6) Where a conviction of the description mentioned in paragraph (4) is quashed on appeal—

- (a) a child’s pension is payable from the day after that on which the deceased died, and
- (b) the authority must, as soon as reasonably practicable after the conviction is quashed, pay the arrears of allowance accrued.

3. In Part C (award on death — spouses)—

(a) in rule C1 (spouse’s ordinary pension), for paragraph (2) substitute—

“(2) Where this rule applies the surviving spouse is entitled to an ordinary pension calculated in accordance with Part 1 of Schedule 3”;

(b) in rule C10 (pension debit members) for “Government Actuary” substitute “Scheme Actuary”.

4. In Part D (awards on death — children), for rule D5 (child’s allowance or special gratuity-limitations), substitute—

**“D5 Child’s allowance: limitations and duration**

(1) Subject to paragraphs (2) and (3), a child is not eligible if the child—

- (a) is 18 or older;
- (b) has ceased full-time education and is in paid employment; or
- (c) is married or has entered into a civil partnership.

(2) A child aged 18 but not more than 23 is eligible if the child is in full-time education or attending a course of at least one year’s duration.

(3) A child aged 18 or more is eligible if, when the deceased dies, the child is dependent on the deceased by reason of permanent disablement.

(4) A child is not eligible if the child is convicted of the murder of the deceased, but this is subject to paragraph (6).

(5) Subject to paragraph (7), where the child is convicted of the manslaughter of the deceased, the authority may as they think fit, withhold the child’s allowance—

- (a) in whole or in part, and
- (b) permanently or temporarily.

(6) Where a conviction of the description mentioned in paragraph (4) is quashed on appeal—

- (a) a child’s pension is payable from the day after that on which the deceased died, and
- (b) the authority must, as soon as reasonably practicable after the conviction is quashed, pay the arrears of allowance accrued.

(7) Where—

- (a) a conviction of the description mentioned in paragraph (5) is quashed on appeal, and
- (b) the authority have withheld any part of the child's allowance,

the authority's decision under paragraph (5) is to be treated as revoked and they must, as soon as reasonably practicable after the conviction is quashed, pay the arrears of allowance accrued from the day after that on which the deceased died.

(8) Nothing in paragraph (6) or (7) affects the application of paragraph (4) or (5) if the child whose conviction is quashed is subsequently convicted of the murder or manslaughter of the deceased.

(9) A child's allowance ceases to be payable—

- (a) unless paragraph (2) or (3) applies, on the child's 18th birthday or on the occurrence of the event referred to in paragraph (1)(b) or (c), whichever first occurs;
- (b) where paragraph (2) applies, on the child's 23rd birthday or the day on which the child's full-time education or course ceases, whichever first occurs;
- (c) where paragraph (3) applies, when the authority are satisfied—
  - (i) that the child is no longer permanently disabled; or
  - (ii) that the child's allowance should not have been awarded.

(10) Unless paragraph (9)(c) applies, an allowance for which a child is eligible as mentioned in paragraph (3) is payable for life.”

5. Yn Rhan E (dyfarndaliadau yn sgil marwolaeth — darpariaethau ychwanegol)—

- (a) yn rheol E1 (cyfandaliad o grant marwolaeth)—
  - (i) ym mharagraff (2), yn lle “or gratuity” rhodder “gratuity or lump sum”; a
  - (ii) ar ôl paragraff (5), ychwaneger—

“(6) The grant is to be paid before the end of the period of two years beginning with the earlier of the day on which the Scheme administrator knew of the member's death and the day on which the Scheme administrator could first reasonably be expected to have known of it.”;

(7) Where—

- (a) a conviction of the description mentioned in paragraph (5) is quashed on appeal, and
- (b) the authority have withheld any part of the child's allowance,

the authority's decision under paragraph (5) is to be treated as revoked and they must, as soon as reasonably practicable after the conviction is quashed, pay the arrears of allowance accrued from the day after that on which the deceased died.

(8) Nothing in paragraph (6) or (7) affects the application of paragraph (4) or (5) if the child whose conviction is quashed is subsequently convicted of the murder or manslaughter of the deceased.

(9) A child's allowance ceases to be payable—

- (a) unless paragraph (2) or (3) applies, on the child's 18th birthday or on the occurrence of the event referred to in paragraph (1)(b) or (c), whichever first occurs;
- (b) where paragraph (2) applies, on the child's 23rd birthday or the day on which the child's full-time education or course ceases, whichever first occurs;
- (c) where paragraph (3) applies, when the authority are satisfied—
  - (i) that the child is no longer permanently disabled; or
  - (ii) that the child's allowance should not have been awarded.

(10) Unless paragraph (9)(c) applies, an allowance for which a child is eligible as mentioned in paragraph (3) is payable for life.”

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

- (a) in rule E1 (lump sum death grant)—
  - (i) in paragraph (2), for “or gratuity” substitute “gratuity or lump sum”; and
  - (ii) after paragraph (5), add—

“(6) The grant is to be paid before the end of the period of two years beginning with the earlier of the day on which the Scheme administrator knew of the member's death and the day on which the Scheme administrator could first reasonably be expected to have known of it.”;

- (b) yn rheol E3 (arian rhodd perthynas dibynnol), ym mharagraff (2)(b), ar ôl “Scheme” mewnosoder “in respect of the same firefighter”;
- (c) yn rheol E4 (talw balans cyfraniadau i ystad)—
- (i) ym mharagraff (2)(f), yn lle “Government Actuary” rhodder “Scheme Actuary”; a
- (ii) yn lle paragraff (4), rhodder—
- “(4) The fire and rescue authority must pay a post retirement death grant to the deceased’s personal representatives.
- (5) In this rule, a “post retirement death grant” is an amount representing the difference between the aggregate of the relevant amounts and the deceased’s aggregate pension contributions.”;
- (d) yn rheol E5 (cyfandaliad yn lle pensiwn priod neu bartner sifil sy’n goroesi)—
- (i) ym mharagraff (1)—
- (aa) yn lle “Part 1 of Schedule 29 (lump sum rule)” rhodder “Part 2 of Schedule 29 (lump sum death benefit rule)”; a
- (bb) hepgorer “whole or part of the”;
- (ii) ym mharagraff (2)(a), yn lle “rule C1” rhodder “Part C (awards on death — spouses)”; a
- (iii) ym mharagraff (5), yn lle “Government Actuary” rhodder “Scheme Actuary”; a
- (iv) ar ôl paragraff (5), ychwaneger—
- “(6) On the day on which the whole of a pension is commuted under this rule, all other entitlements under the Scheme of the person entitled to the pension are extinguished to the extent that they derive from the deceased member.”;
- (e) yn rheol E6 (cyfandaliad yn lle lwfans plentyn)—
- (i) ym mharagraff (1), hepgorer “whole or any part of the”;
- (ii) ym mharagraff (3), yn lle “commutation of the whole or part of an allowance” rhodder “commutation of the allowance”; a
- (iii) ar ôl paragraff (4), ychwaneger—
- (b) in rule E3 (dependent relative’s gratuity), in paragraph (2)(b), after “Scheme” insert “in respect of the same firefighter”;
- (c) in rule E4 (payment of balance of contributions to estate)—
- (i) in paragraph (2)(f), for “Government Actuary” substitute “Scheme Actuary”; and
- (ii) for paragraph (4), substitute—
- “(4) The fire and rescue authority must pay a post retirement death grant to the deceased’s personal representatives.
- (5) In this rule, a “post retirement death grant” is an amount representing the difference between the aggregate of the relevant amounts and the deceased’s aggregate pension contributions.”;
- (d) in rule E5 (lump sum in lieu of surviving spouse’s or civil partner’s pension)—
- (i) in paragraph (1)—
- (aa) for “Part 1 of Schedule 29 (lump sum rule)”, substitute “Part 2 of Schedule 29 (lump sum death benefit rule)”; and
- (bb) omit “whole or part of the”;
- (ii) in paragraph (2)(a), for “rule C1” substitute “Part C (awards on death — spouses)”; a
- (iii) in paragraph (5), for “Government Actuary” substitute “Scheme Actuary”; and
- (iv) after paragraph (5), add—
- “(6) On the day on which the whole of a pension is commuted under this rule, all other entitlements under the Scheme of the person entitled to the pension are extinguished to the extent that they derive from the deceased member.”;
- (e) in rule E6 (lump sum in lieu of child’s allowance)—
- (i) in paragraph (1), omit “whole or any part of the”;
- (ii) in paragraph (3), for “commutation of the whole or part of an allowance” substitute “commutation of the allowance”; and
- (iii) after paragraph (4), add—

“(5) On the day on which a pension is commuted under this rule, all other entitlements under the Scheme of the person entitled to the pension are extinguished to the extent that they derive from the deceased member.”;

- (f) yn rheol E7 (cyfyngu ar y disgrisiwn i gymudo pensiwn neu lwfans am arian rhodd)—
  - (i) ym mharagraff (2), ar ôl “commute” hepgorer “whole or any part of a”;
  - (ii) ym mharagraff (2)(b), yn lle “Part 1 of Schedule 29” rhodder “Part 2 of Schedule 29”; a
  - (iii) ym mharagraff (4), yn lle “Government Actuary” rhodder “Scheme Actuary”;
- (g) yn lle rheol E8 (cynyddu pensiynau a lwfansau yn ystod y 13 wythnos gyntaf) rhodder—

#### “E8 Bereavement pension: survivors

(1) Subject to paragraph (2), a person entitled to a pension under rule C1 (spouse’s ordinary pension) is also entitled in respect of each of the 13 weeks following death, to a bereavement pension of an amount equal to the difference between the weekly rate at which the survivor’s pension is paid and—

- (a) if the deceased was a firefighter member when he died, the weekly rate of his or her pensionable pay when he or she died;
- (b) in any other case, the weekly rate of his or her pension or pensions (including any increase under the Pensions (Increase) Act 1971) when he died.

(2) No entitlement arises under paragraph (1) where—

- (a) an election not to make pension contributions under rule G3 has effect at the date of the deceased’s death, or
- (b) the deceased was entitled to a deferred pension that had not come into payment.”; ac

- (h) ar ôl rheol E8, mewnosoder—

#### “E8A Bereavement pension: children

(1) This rule applies to a child’s ordinary or accrued allowance under this Scheme where the deceased died—

- (a) while serving as a regular firefighter, or
- (b) while in receipt of a pension and—

“(5) On the day on which a pension is commuted under this rule, all other entitlements under the Scheme of the person entitled to the pension are extinguished to the extent that they derive from the deceased member.”;

- (f) in rule E7 (limitation on discretion to commute pension or allowance for gratuity)—
  - (i) in paragraph (2), after “commute” omit “whole or any part of a”;
  - (ii) in paragraph (2)(b), for “Part 1 of Schedule 29”, substitute “Part 2 of Schedule 29”; and
  - (iii) in paragraph (4), for “Government Actuary” substitute “Scheme Actuary”;
- (g) for rule E8 (increase of pensions and allowances during first 13 weeks), substitute—

#### “E8 Bereavement pension: survivors

(1) Subject to paragraph (2), a person entitled to a pension under rule C1 (spouse’s ordinary pension) is also entitled in respect of each of the 13 weeks following death, to a bereavement pension of an amount equal to the difference between the weekly rate at which the survivor’s pension is paid and—

- (a) if the deceased was a firefighter member when he died, the weekly rate of his or her pensionable pay when he or she died;
- (b) in any other case, the weekly rate of his or her pension or pensions (including any increase under the Pensions (Increase) Act 1971) when he died.

(2) No entitlement arises under paragraph (1) where—

- (a) an election not to make pension contributions under rule G3 has effect at the date of the deceased’s death, or
- (b) the deceased was entitled to a deferred pension that had not come into payment.”; and

- (h) after rule E8, insert—

#### “E8A Bereavement pension: children

(1) This rule applies to a child’s ordinary or accrued allowance under this Scheme where the deceased died—

- (a) while serving as a regular firefighter, or
- (b) while in receipt of a pension and—

- (i) there is no surviving spouse or civil partner, or
- (ii) a surviving spouse or civil partner did not become entitled to a pension which was payable for a continuous period of 13 weeks.

(2) Subject to paragraphs (3) and (4), a person entitled to an allowance is also entitled in respect of each of the 13 weeks following death, to a bereavement pension of an amount equal to the difference between the weekly rate at which the allowance is paid and—

- (a) if the deceased was a firefighter member when the deceased died, the weekly rate of the deceased's pensionable pay on death;
- (b) in any other case, the weekly rate of his or her pension or pensions (including any increase under the Pensions (Increase) Act 1971) when he or she died.

(3) Where there is more than one eligible child, the amount paid in respect of each bereavement pension is not to be less than the amounts payable under paragraph (2)(a) or (b) divided by the number of the allowances.

(4) No entitlement arises under paragraph (1) where—

- (a) an election not to make pension contributions under rule G3 has effect at the date of the deceased's death; or
- (b) the deceased was entitled to a deferred pension that had not come into payment."

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

- (a) yn rheol F1 (cyfrif gwasanaeth pensiynadwy a thystysgrifau ar ei gyfer)—
  - (i) ym mharagraffau (1) a (7), yn lle "serviceman" rhodder "reservist";
  - (ii) ym mharagraff (3), hepgorer "F6";
  - (iii) ym mharagraff (6), yn y ddau lle lle mae'n digwydd, yn lle "pension or gratuity" rhodder "pension, lump sum, or gratuity";
- (b) ar ôl rheol F1, mewnosoder—

**"F1A Reckoning of service for purposes of awards**

(1) Subject to paragraph (3), for the purpose of calculating an award payable to or in respect of an employee of a fire and rescue authority by

- (i) there is no surviving spouse or civil partner, or
- (ii) a surviving spouse or civil partner did not become entitled to a pension which was payable for a continuous period of 13 weeks.

(2) Subject to paragraphs (3) and (4), a person entitled to an allowance is also entitled in respect of each of the 13 weeks following death, to a bereavement pension of an amount equal to the difference between the weekly rate at which the allowance is paid and—

- (a) if the deceased was a firefighter member when the deceased died, the weekly rate of the deceased's pensionable pay on death;
- (b) in any other case, the weekly rate of his or her pension or pensions (including any increase under the Pensions (Increase) Act 1971) when he or she died.

(3) Where there is more than one eligible child, the amount paid in respect of each bereavement pension is not to be less than the amounts payable under paragraph (2)(a) or (b) divided by the number of the allowances.

(4) No entitlement arises under paragraph (1) where—

- (a) an election not to make pension contributions under rule G3 has effect at the date of the deceased's death; or
- (b) the deceased was entitled to a deferred pension that had not come into payment."

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

- (a) in rule F1 (reckoning of and certificates as to pensionable service)—
  - (i) in paragraphs (1), and (7), for "serviceman" substitute "reservist";
  - (ii) in paragraph (3), omit "F6";
  - (iii) in paragraph (6), in both places where it occurs, for "pension or gratuity" substitute "pension, lump sum, or gratuity";
- (b) after rule F1, insert—

**"F1A Reckoning of service for purposes of awards**

(1) Subject to paragraph (3), for the purpose of calculating an award payable to or in respect of an employee of a fire and rescue authority by

reference to any period in years (including a period of pensionable or other service) the period must be reckoned as—

$A + (B / 365)$  years

where—

A is the number of completed years in the period, and

B is the number of completed days in any remaining part of a year,

and accordingly a part of a year which includes 29th February in a leap year and comprises 365 days is treated as a whole year.

(2) Where, for the purpose of calculating an award payable to or in respect of a regular firefighter—

- (a) it is necessary to determine the firefighter's pensionable service reckonable by reason of service or employment before or after a particular date ("the material date"), and
- (b) by virtue of the receipt by a fire and rescue authority of a transfer value, the firefighter is entitled to reckon a period of pensionable service ("the credited period") by reason of service or employment for a period ("the previous employment period") which includes the material date,

the credited period counts as pensionable service reckonable by reason of service or employment before and after the material date in the same proportion as that between the parts of the previous employment period falling before and after the material date.

(3) Subject to rule B13 and Part 6A of Schedule 2, any period of service as a part-time employee of a fire and rescue authority must be treated as service as a whole-time employee of a fire and rescue authority when calculating a person's pensionable service.”;

- (c) yn rheol F2 (gwasanaeth cyfredol), ym mharagraff (4)(a), hepgorer “(including any such additional or further contributions as are mentioned in rule G4)”;
- (d) yn rheol F4 (gwasanaeth blaenorol sy'n gyfrifadwy pan wneir taliad), hepgorer paragraffau (1), (2), (4) a (5);
- (e) hepgorer rheol F6 (gwasanaeth rhyfel);
- (f) yn rheol F6A (gwasanaeth blaenorol sy'n gyfrifadwy yn sgil colled gyfreithadwy)—

reference to any period in years (including a period of pensionable or other service) the period must be reckoned as—

$A + (B / 365)$  years

where—

A is the number of completed years in the period, and

B is the number of completed days in any remaining part of a year,

and accordingly a part of a year which includes 29th February in a leap year and comprises 365 days is treated as a whole year.

(2) Where, for the purpose of calculating an award payable to or in respect of a regular firefighter—

- (a) it is necessary to determine the firefighter's pensionable service reckonable by reason of service or employment before or after a particular date ("the material date"), and
- (b) by virtue of the receipt by a fire and rescue authority of a transfer value, the firefighter is entitled to reckon a period of pensionable service ("the credited period") by reason of service or employment for a period ("the previous employment period") which includes the material date,

the credited period counts as pensionable service reckonable by reason of service or employment before and after the material date in the same proportion as that between the parts of the previous employment period falling before and after the material date.

(3) Subject to rule B13 and Part 6A of Schedule 2, any period of service as a part-time employee of a fire and rescue authority must be treated as service as a whole-time employee of a fire and rescue authority when calculating a person's pensionable service.”;

- (c) in rule F2 (current service), in paragraph (4)(a), omit “(including any such additional or further contributions as are mentioned in rule G4)”;
- (d) in rule F4 (previous service reckonable on payment), omit paragraphs (1), (2), (4) and (5);
- (e) omit rule F6 (war service);
- (f) in rule F6A (previous service reckonable following actionable loss)—

- (i) ym mhob paragraff lle mae'n digwydd, yn lle "reckonable service" rhodder "pensionable service";
- (ii) ym mharagraff (1)(b), yn lle "section 62 of the Financial Services Act 1986" rhodder "section 138D of the Financial Services and Markets Act 2000(1)";
- (g) yn rheol F6B (cyfrifo swm taliad adfer), ym mharagraffau (2)(b)(i) a (3), yn lle "Government Actuary" rhodder "Scheme Actuary";
- (h) yn rheol F8 (taliadau trosglwyddo i awdurdodau tân ac achub yn yr Alban a Lloegr), ym mharagraff (1), yn y ddau lle lle mae'n digwydd, yn lle "Scottish or English fire and rescue authority" rhodder "English fire and rescue authority, the Scottish Fire and Rescue Service or the Northern Ireland Fire and Rescue Services Board"; ac
- (i) yn rheol F9 (talu gwerthoedd trosglwyddo)—
  - (i) ym mharagraff (1)(b), yn lle "an approved scheme" rhodder "a registered scheme or a qualifying recognised overseas pension scheme within the meaning of section 169 (recognised transfers) of the 2004 Act ("an overseas pension scheme")"; a
  - (ii) ym mharagraff (7)(b), yn lle "an approved scheme" rhodder "a registered scheme or an overseas pension scheme".

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

- (a) yn rheol G1 (tâl pensiynadwy a thâl pensiynadwy cyfartalog)—
  - (i) ym mharagraff (1)—
    - (aa) yn lle "Subject to paragraph (2)" rhodder "Subject to paragraphs (2) and (9)";
    - (bb) yn is-baragraff (a), yn lle "part-time employee" rhodder "part-time employee) other than those amounts payable to the firefighter in respect of the benefits within rule B5C(5)"; ac
    - (cc) yn lle is-baragraff (b) rhodder—
      - "(b) the amount (if any) of any benefits which are pensionable under rule B5C(1).";
  - (ii) yn lle paragraff (4), rhodder—

- (i) in each paragraph where it occurs, for "reckonable service" substitute "pensionable service";
- (ii) in paragraph (1)(b), for "section 62 of the Financial Services Act 1986" substitute "section 138D of the Financial Services and Markets Act 2000(1)";
- (g) in rule F6B (calculation of amount of restitution payment), in paragraphs (2)(b)(i) and (3), for "Government Actuary" substitute "Scheme Actuary";
- (h) in rule F8 (transfer payments to Scottish and English fire and rescue authorities), in paragraph (1), in both places where it occurs, for "Scottish or English fire and rescue authority" substitute "English fire and rescue authority, the Scottish Fire and Rescue Service or the Northern Ireland Fire and Rescue Services Board"; and
- (i) in rule F9 (payment of transfer values)—
  - (i) in paragraph (1)(b), for "an approved scheme" substitute "a registered scheme or a qualifying recognised overseas pension scheme within the meaning of section 169 (recognised transfers) of the 2004 Act ("an overseas pension scheme")"; and
  - (ii) in paragraph (7)(b), for "an approved scheme" substitute "a registered scheme or an overseas pension scheme".

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

- (a) in rule G1 (pensionable pay and average pensionable pay)—
  - (i) in paragraph (1)—
    - (aa) for "Subject to paragraph (2)" substitute "Subject to paragraphs (2) and (9)";
    - (bb) in sub-paragraph (a) for "part-time employee" substitute "part-time employee) other than those amounts payable to the firefighter in respect of the benefits within rule B5C(5)"; and
    - (cc) for sub-paragraph (b) substitute—
      - "(b) the amount (if any) of any benefits which are pensionable under rule B5C(1).";
  - (ii) for paragraph (4), substitute—

(1) 2000 p. 8; mewnosodwyd adran 138D (achosion hawlio iawndal) gan adran 24 o Ddeddf Gwasanaethau Ariannol 2012 (p. 21).

(1) 2000 c. 8; section 138D (actions for damages) was inserted by section 24 of the Financial Services Act 2012 (c. 21).



“(4) The relevant date—

- (a) for the purposes of rule C7 (spouse’s or civil partner’s award where no other award payable), and the Compensation Scheme, is the date of the person’s last day of service as a regular firefighter, and
- (b) for all other purposes of this Scheme, is the date of the person’s last day of service in a period during which contributions were payable under rule G2.”;

(iii) ym mharagraff (7C), hepgorer “: continual professional development”; a

(iv) ar ôl paragraff (8) ychwaneger—

“(9) Where before 1st July 2013 and after that date, any allowance or supplement is being paid to a firefighter which a fire and rescue authority treats as pensionable, but is not—

- (a) pensionable pay within the meaning of paragraph (1)(a);
- (b) additional pension benefit under rule B5B (long service increment); nor
- (c) a payment in respect of a firefighter’s continual professional development under rule B5C,

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

(b) yn rheol G2 (cyfraniadau pensiwn)(1), ar ôl paragraff (4), mewnosoder—

“(4A) The Welsh Ministers must consult with the Scheme Actuary before making a notification under paragraph (4).”;

(c) yn rheol G2A (cyfraniadau pensiwn dewisol yn ystod seibiant mamolaeth a seibiant mabwysiadu)(2), ar ôl paragraff (2), mewnosoder—

“(4) The relevant date—

- (a) for the purposes of rule C7 (spouse’s or civil partner’s award where no other award payable), and the Compensation Scheme, is the date of the person’s last day of service as a regular firefighter, and
- (b) for all other purposes of this Scheme, is the date of the person’s last day of service in a period during which contributions were payable under rule G2.”;

(iii) in paragraph (7C), omit “: continual professional development”; and

(iv) after paragraph (8) add—

“(9) Where before 1st July 2013 and after that date, any allowance or supplement is being paid to a firefighter which a fire and rescue authority treats as pensionable, but is not—

- (a) pensionable pay within the meaning of paragraph (1)(a);
- (b) additional pension benefit under rule B5B (long service increment); nor
- (c) a payment in respect of a firefighter’s continual professional development under rule B5C,

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

(b) in rule G2 (pension contributions)(1), after paragraph (4), insert—

“(4A) The Welsh Ministers must consult with the Scheme Actuary before making a notification under paragraph (4).”;

(c) in rule G2A (optional pension contributions during maternity and adoption leave)(2), after paragraph (2), insert—

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(1) Mewnosodwyd rheol G2(3) i (5) gan O.S. 2007/1074 (Cy. 112).  
(2) Mewnosodwyd rheol G2A gan O.S. 2004/1912.

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(1) Rule G2(3) to (5) inserted by S.I. 2007/1074 (W. 112).  
(2) Rule G2A inserted by S.I. 2004/1912.

“(2A) But in calculating the pay on which the contributions are made, any amount which the firefighter receives on account of a day’s work carried out under regulation 12A of the Maternity and Parental Leave etc Regulations 1999(1) or regulation 21A of the Paternity and Adoption Leave Regulations 2002(2) and which exceeds any maternity, paternity or parental leave pay due for that day, is to be disregarded.”;

(d) ar ðl rheol G2A mewnosoder—

**“G2B Aggregate pension contributions for the purposes of awards**

(1) A regular firefighter’s aggregate pension contributions comprise—

- (a) all payments made by the firefighter to a fire and rescue authority that fall within paragraph (2),
- (b) all payments made by the firefighter in accordance with a notice under rule F2 (current service),
- (c) all payments made by the firefighter in accordance with an election under rule G2A,
- (d) all payments made by the firefighter in accordance with an election under rule G6, and
- (e) if paragraph (3) applies, the amount of the notional award described in paragraph (4).

(2) The payments that fall within this paragraph are payments under this Scheme or a previous Scheme that relate to a period of service which the regular firefighter is, or was immediately before electing under rule G3 not to pay pension contributions, entitled to reckon as pensionable service and have not been refunded to him, including payments made—

- (a) by way of rateable deductions from pay,
- (b) by way of such additional and further payments as were mentioned in articles 57 to 59 of the 1973 Scheme(3), or
- (c) in accordance with such an undertaking as is mentioned in Part 1 of Schedule 6.

(3) This paragraph applies where the regular firefighter is, or was immediately before

“(2A) But in calculating the pay on which the contributions are made, any amount which the firefighter receives on account of a day’s work carried out under regulation 12A of the Maternity and Parental Leave etc Regulations 1999(1) or regulation 21A of the Paternity and Adoption Leave Regulations 2002(2) and which exceeds any maternity, paternity or parental leave pay due for that day, is to be disregarded.” ;

(d) after rule G2A insert—

**“G2B Aggregate pension contributions for the purposes of awards**

(1) A regular firefighter’s aggregate pension contributions comprise—

- (a) all payments made by the firefighter to a fire and rescue authority that fall within paragraph (2),
- (b) all payments made by the firefighter in accordance with a notice under rule F2 (current service),
- (c) all payments made by the firefighter in accordance with an election under rule G2A,
- (d) all payments made by the firefighter in accordance with an election under rule G6, and
- (e) if paragraph (3) applies, the amount of the notional award described in paragraph (4).

(2) The payments that fall within this paragraph are payments under this Scheme or a previous Scheme that relate to a period of service which the regular firefighter is, or was immediately before electing under rule G3 not to pay pension contributions, entitled to reckon as pensionable service and have not been refunded to him, including payments made—

- (a) by way of rateable deductions from pay,
- (b) by way of such additional and further payments as were mentioned in articles 57 to 59 of the 1973 Scheme(3), or
- (c) in accordance with such an undertaking as is mentioned in Part 1 of Schedule 6.

(3) This paragraph applies where the regular firefighter is, or was immediately before

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(1) O.S. 1999/3312.  
(2) O.S. 2007/2788.  
(3) O.S. 1973/966.

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(1) S.I. 1999/3312.  
(2) S.I. 2002/2788.  
(3) S.I. 1973/966.

electing under rule G3 not to pay pension contributions, entitled to reckon pensionable service by reason of a period of service or employment otherwise than as a regular firefighter (“the previous employment period”).

(4) The notional award mentioned in paragraph (1)(e) is the award by way of return of contributions or analogous payment that would have been paid to the regular firefighter if, at the end of the previous employment period, the firefighter had voluntarily retired in circumstances entitling the firefighter to such an award under the applicable superannuation arrangements.”;

- (e) yn rheol G3 (dewisiad i beidio â thalu cyfraniadau pensiwn)—
  - (i) ym mharagraff (1), yn lle “Subject to paragraphs (1A) and (8)” rhodder “Subject to paragraph (1A)”;
  - (ii) ym mharagraff (1A), hepgorer “continual professional development”;
  - (iii) ym mharagraff (2), yn lle “Subject to paragraphs (3) and (3A), an election” rhodder “An election”; a
  - (iv) hepgorer paragraffau (3) i (8);
- (f) hepgorer rheol G4 (parhau i dalu cyfraniadau ychwanegol a phellach); ac
- (g) yn rheol G6 (dewisiad i brynu buddion uwch), yn lle paragraff (4) rhodder—

“(4) An election to pay periodical contributions must be made at least 2 years before the person’s normal pension age, but no such election may be made if the fire and rescue authority so resolve, unless the person has at their own expense undergone a medical examination and satisfied the authority as to his or her good health.”

**8. Yn Rhan H (dyfarnu cwestiynau ac apelau)—**

- (a) ar ôl rheol H1 (dyfarnu gan yr awdurdod tân) mewnosoder—

**“H1A Review of medical opinion**

(1) Where—

- (a) new evidence on an issue wholly or partly of a medical nature is presented to the fire and rescue authority by a person (P) in respect of whom a decision has been made under rule H1,
- (b) the authority receive that evidence—

electing under rule G3 not to pay pension contributions, entitled to reckon pensionable service by reason of a period of service or employment otherwise than as a regular firefighter (“the previous employment period”).

(4) The notional award mentioned in paragraph (1)(e) is the award by way of return of contributions or analogous payment that would have been paid to the regular firefighter if, at the end of the previous employment period, the firefighter had voluntarily retired in circumstances entitling the firefighter to such an award under the applicable superannuation arrangements.”;

- (e) in rule G3 (election not to pay pension contributions)—
  - (i) in paragraph (1), for “Subject to paragraphs (1A) and (8)” substitute “Subject to paragraph (1A)”;
  - (ii) in paragraph (1A), omit “continual professional development”;
  - (iii) in paragraph (2), for “Subject to paragraphs (3) and (3A), an election” substitute “An election”; and
  - (iv) omit paragraphs (3) to (8);
- (f) omit rule G4 (continued payment of additional and further contributions); and
- (g) in rule G6 (election to purchase increased benefits), for paragraph (4) substitute—

“(4) An election to pay periodical contributions must be made at least 2 years before the person’s normal pension age, but no such election may be made if the fire and rescue authority so resolve, unless the person has at their own expense undergone a medical examination and satisfied the authority as to his or her good health.”

**8. In Part H (determination of questions and appeals)—**

- (a) after rule H1 (determination by fire authority) insert—

**“H1A Review of medical opinion**

(1) Where—

- (a) new evidence on an issue wholly or partly of a medical nature is presented to the fire and rescue authority by a person (P) in respect of whom a decision has been made under rule H1,
- (b) the authority receive that evidence—

- (i) where a copy of an opinion was supplied in accordance with paragraph (2) of rule H2 within 28 days of the receipt by P of that copy, and
  - (ii) in any other case, within 28 days of the receipt by P of notice of the authority's decision, and
  - (c) the authority and P agree that the IQMP should be given the opportunity of reviewing their opinion in the light of the new evidence, the authority must send a copy of the new evidence to the IQMP and invite them to reconsider their opinion.
- (2) An IQMP's response to an invitation under paragraph (1) must be in writing ("rule H1A response").
- (3) An IQMP's rule H1A response is binding on the authority unless it is superseded by the outcome of an appeal under rule H2.
- (4) As soon as reasonably practicable after receiving a rule H1A response, the authority shall reconsider their decision.
- (5) Within 14 days of that reconsideration, the authority must—
- (a) give written notice to P that they have confirmed their decision or revised their decision (as the case may be), and
  - (b) if they have revised their decision, supply P with written notice of the revised decision, and supply P with a copy of the rule H1A response.”;
- (b) yn lle rheol H2 (apelio yn erbyn barn ar fater meddygol), rhodder—

**“H2**

- (1) A person who wishes to appeal against a fire and rescue authority's decision on an issue of a medical nature may appeal to a board of medical referees in accordance with paragraph (1) of Part 1 of Schedule 9 (appeal to board of medical referees).
- (2) Subject to paragraph (3), where a decision—
- (a) is made with regard to an opinion obtained pursuant to rule H1(2) or medical evidence relied on as mentioned in rule H1(3), or
  - (b) is reconsidered under rule H1A(4) with regard to a rule H1A response,

- (i) where a copy of an opinion was supplied in accordance with paragraph (2) of rule H2 within 28 days of the receipt by P of that copy, and
  - (ii) in any other case, within 28 days of the receipt by P of notice of the authority's decision, and
  - (c) the authority and P agree that the IQMP should be given the opportunity of reviewing their opinion in the light of the new evidence, the authority must send a copy of the new evidence to the IQMP and invite them to reconsider their opinion.
- (2) An IQMP's response to an invitation under paragraph (1) must be in writing ("rule H1A response").
- (3) An IQMP's rule H1A response is binding on the authority unless it is superseded by the outcome of an appeal under rule H2.
- (4) As soon as reasonably practicable after receiving a rule H1A response, the authority shall reconsider their decision.
- (5) Within 14 days of that reconsideration, the authority must—
- (a) give written notice to P that they have confirmed their decision or revised their decision (as the case may be), and
  - (b) if they have revised their decision, supply P with written notice of the revised decision, and supply P with a copy of the rule H1A response.”;
- (b) for rule H2 (appeal against opinion on a medical issue), substitute—

**“H2**

- (1) A person who wishes to appeal against a fire and rescue authority's decision on an issue of a medical nature may appeal to a board of medical referees in accordance with paragraph (1) of Part 1 of Schedule 9 (appeal to board of medical referees).
- (2) Subject to paragraph (3), where a decision—
- (a) is made with regard to an opinion obtained pursuant to rule H1(2) or medical evidence relied on as mentioned in rule H1(3), or
  - (b) is reconsidered under rule H1A(4) with regard to a rule H1A response,

the authority must within 14 days of making, confirming or revising the decision (as the case may be), send to P the documents mentioned in paragraph (4).

(3) Nothing in paragraph (2) requires the supply of documents that have already been supplied under rule H1A(5).

(4) The documents are—

- (a) a copy of the opinion, response or evidence (as the case may be);
- (b) an explanation of the procedure for appeals under this rule; and
- (c) a statement that if P wishes to appeal against an authority's decision on an issue of a medical nature, the person must give written notice to the authority, stating the person's name and address and the grounds of the appeal, not later than 28 days after the person receives the last of the documents required to be supplied to them under this paragraph, or within such longer period as the authority may allow.

(5) A fire and rescue authority is bound by any decision duly given on an appeal under this rule.

(6) Further provisions as to appeals under this rule are contained in Part 1 of Schedule 9.”;

(c) yn lle rheol H3 (apelio i Lys y Goron neu Siryf), rhodder—

### “H3 Appeals on other issues

Where—

- (a) a person disagrees with a fire and rescue authority's determination under rule H1, and
- (b) the person's disagreement does not involve an issue of a medical nature,

that person may, by written notice given to the authority within 28 days of receipt of the determination, require the authority to deal with the disagreement by means of the arrangements implemented by them pursuant to the requirements of section 50 of the Pensions Act 1995(1) (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution

the authority must within 14 days of making, confirming or revising the decision (as the case may be), send to P the documents mentioned in paragraph (4).

(3) Nothing in paragraph (2) requires the supply of documents that have already been supplied under rule H1A(5).

(4) The documents are—

- (a) a copy of the opinion, response or evidence (as the case may be);
- (b) an explanation of the procedure for appeals under this rule; and
- (c) a statement that if P wishes to appeal against an authority's decision on an issue of a medical nature, the person must give written notice to the authority, stating the person's name and address and the grounds of the appeal, not later than 28 days after the person receives the last of the documents required to be supplied to them under this paragraph, or within such longer period as the authority may allow.

(5) A fire and rescue authority is bound by any decision duly given on an appeal under this rule.

(6) Further provisions as to appeals under this rule are contained in Part 1 of Schedule 9.”;

(c) for rule H3 (appeal to Crown Court or Sheriff), substitute—

### “H3 Appeals on other issues

Where—

- (a) a person disagrees with a fire and rescue authority's determination under rule H1, and
- (b) the person's disagreement does not involve an issue of a medical nature,

that person may, by written notice given to the authority within 28 days of receipt of the determination, require the authority to deal with the disagreement by means of the arrangements implemented by them pursuant to the requirements of section 50 of the Pensions Act 1995(1) (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution

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(1) 1995 p. 26; amnewidiwyd adran 50 gan adran 273 o Ddeddf Pensiynau 2004 (p. 35) ac fe'i diwygiwyd gan Ddeddf Pensiynau 2007 (p. 22).

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(1) 1995 c. 26; section 50 was substituted by section 273 of the Pensions Act 2004 (c. 35) and amended by the Pensions Act 2007 (c. 22).

**9. Yn Rhan I (aelodau o’r lluoedd arfog)—**

- (a) yn y Rhan hon, ym mhob man lle mae’n digwydd, yn lle “serviceman” neu “servicemen” rhodder “reservist” or “reservists”, yn ôl fel y digwydd;
- (b) yn rheol I1 (rhagarweiniol), ym mharagraff (1), yn lle “the armed forces” rhodder “the reserve forces”;
- (c) yn lle rheol I2 (dyfardaliadau i aelodau o’r lluoedd arfog) rhodder—

**“I2 Awards on permanent disablement**

A reservist who, at the end of his or her forces period, is permanently disabled for performing the duties of a firefighter by reason of an infirmity that—

- (a) is unrelated to any injury received during his or her forces period; and
- (b) is not a qualifying injury,

is entitled to an award under rule B3 (ill health awards).”;

- (d) yn rheol I3 (dyfardaliadau yn sgil marwolaeth aelodau o’r lluoedd arfog)—
  - (i) ym mharagraff (2), yn lle “paragraphs (3) and” rhodder “paragraph”; a
  - (ii) hepgorer paragraff (3);
- (e) yn rheol I5 (aelodau o’r lluoedd arfog nad ydynt yn ailddechrau gwasanaethu yn eu brigâd flaenorol)—
  - (i) ym mharagraff (1), hepgorer “Subject to paragraph (3).”; a
  - (ii) hepgorer paragraff (3);
- (f) yn rheol I7 (cyfraniadau pensiwn), yn lle paragraff (2) rhodder—

“(2) A reservist is for those purposes to be treated as having received no pensionable pay (and accordingly is not liable to pay contributions) in respect of any period during which the reservist’s service pay is less than the pensionable pay described in paragraph (1).”; ac

- (g) ar ôl rheol I7, mewnosoder—

**“I8 Interpretation of Part**

In this Part—

**9. In Part I (servicemen)—**

- (a) in this Part, in each place where it occurs, for “serviceman” or “servicemen” substitute “reservist” or “reservists”, as the case may be;
- (b) in rule I1 (preliminary), in paragraph (1), for “the armed forces” substitute “the reserve forces”;
- (c) for rule I2 (awards to servicemen), substitute—

**“I2 Awards on permanent disablement**

A reservist who, at the end of his or her forces period, is permanently disabled for performing the duties of a firefighter by reason of an infirmity that—

- (a) is unrelated to any injury received during his or her forces period; and
- (b) is not a qualifying injury,

is entitled to an award under rule B3 (ill health awards).”;

- (d) in rule I3 (awards on death of servicemen)—
  - (i) in paragraph (2), for “paragraphs (3) and” substitute “paragraph”; and
  - (ii) omit paragraph (3);
- (e) in rule I5 (servicemen who do not resume service in their former brigade)—
  - (i) in paragraph (1), omit “Subject to paragraph (3).”; and
  - (ii) omit paragraph (3);
- (f) in rule I7 (pension contributions), for paragraph (2) substitute—

“(2) A reservist is for those purposes to be treated as having received no pensionable pay (and accordingly is not liable to pay contributions) in respect of any period during which the reservist’s service pay is less than the pensionable pay described in paragraph (1).”; and

- (g) after rule I7, insert—

**“I8 Interpretation of Part**

In this Part—

“the 1996 Act” means the Reserve Forces Act 1996(1);

“qualifying injury” means an injury, received by a person in the performance of the person’s duties as a firefighter, which is not wholly or mainly due to the person’s own culpable negligence or misconduct;

“relevant service in the reserve forces” means service in the forces specified in section 1(2) of the 1996 Act—

- (a) in pursuance of a training obligation under Part 3 of that Act, or
- (b) by virtue of a call out for permanent service or a recall under Part 2 of the Reserve Forces Act 1980(2) or Part 6 or Part 7 of the 1996 Act; and

“reservist” means a person who, immediately before a forces period, was a firefighter.”

**10. Yn Rhan IA (aelodau â chredyd pensiwn)—**

- (a) yn rheol IA1 (hawlogaeth aelod â chredyd pensiwn i gael pensiwn), ym mharagraff (1), yn lle “Government Actuary” rhodder “Scheme Actuary”;
- (b) yn rheol IA2 (cymudo’r buddion credyd pensiwn), ym mharagraff (4), yn lle “Government Actuary” rhodder “Scheme Actuary”;
- (c) yn rheol IA3 (grantiau marwolaeth pan fo farw aelod â chredyd pensiwn cyn bo’r buddion credyd pensiwn yn daladwy), yn lle “Government Actuary” rhodder “Scheme Actuary”; a
- (d) yn rheol IA4 (cymhwyso’r rheolau cyffredinol), ym mharagraff (4), yn lle “(appeal to Crown Court or Sheriff)” rhodder “(appeals on other issues)”.

**11. Yn Rhan J (achosion arbennig), yn rheol J1 (isafsymiau pensiwn gwarantedig), yn lle paragraff (2)(d) rhodder—**

“the 1996 Act” means the Reserve Forces Act 1996(1);

“qualifying injury” means an injury, received by a person in the performance of the person’s duties as a firefighter, which is not wholly or mainly due to the person’s own culpable negligence or misconduct;

“relevant service in the reserve forces” means service in the forces specified in section 1(2) of the 1996 Act—

- (a) in pursuance of a training obligation under Part 3 of that Act, or
- (b) by virtue of a call out for permanent service or a recall under Part 2 of the Reserve Forces Act 1980(2) or Part 6 or Part 7 of the 1996 Act; and

“reservist” means a person who, immediately before a forces period, was a firefighter.”

**10. In Part IA (pension credit members)—**

- (a) in rule IA1 (pension credit member’s entitlement to pension), in paragraph (1), for “Government Actuary” substitute “Scheme Actuary”;
- (b) in rule IA2 (commutation of the pension credit benefits), in paragraph (4), for “Government Actuary” substitute “Scheme Actuary”;
- (c) in rule IA3 (death grants where pension credit member dies before pension credit benefits payable), for “Government Actuary” substitute “Scheme Actuary”; and
- (d) in rule IA4 (application of general rules), in paragraph (4), for “(appeal to Crown Court or Sheriff)” substitute “(appeals on other issues)”.

**11. In Part J (special cases), in rule J1 (guaranteed minimum pensions), for paragraph (2)(d) substitute—**

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(1) 1996 p. 14.

(2) 1980 p. 9, a ddyddymwyd yn rhagolygol gan Ddeddf 1996, o ddyddiad sydd i’w bennu.

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(1) 1996 c. 14.

(2) 1980 c. 9, prospectively repealed by the 1996 Act as from a date to be appointed.

“(d) in the case of a person who dies at any time after 4th December 2005 and leaves a civil partner, the civil partner is entitled to a pension at a weekly rate equal to half of that part of the deceased’s guaranteed minimum which is attributable to earnings factors for the tax year 1988-89 and subsequent tax years up to and including the tax year 1996-97.”

**12.** Yn Rhan K (adolygu a thynnu’n ôl ddyfarndaliadau)—

- (a) yn rheol K1 (adolygu pensiynau afiechyd a phensiynau gohiriedig penodol), ym mharagraff (3)(a), yn lle “rule B5” rhodder “rule B5(4)(b)”;
- (b) yn rheol K1A (canlyniadau adolygu), ar ôl paragraff (4) ychwaneger—

“(5) If, on such consideration as is mentioned in rule K1(3), it is found that a person whose deferred pension is being paid early has become capable of undertaking regular employment, the person’s entitlement to early payment of the deferred pension will cease with immediate effect.”;
- (c) yn lle rheol K4 (tynnu pensiwn yn ôl yn ystod gwasanaeth fel diffoddwr tân rheolaidd) rhodder—

**“K4 Withdrawal of pension whilst employed by a fire and rescue authority**

The fire and rescue authority by whom a pension is payable may, in their discretion, withdraw the whole or any part of the pension, except a pension under Part C (awards on death — spouses and civil partners), for any period during which the person entitled to it is employed by any fire and rescue authority in whatever capacity.”

**13.** Yn Rhan L (tal dyfarndaliadau a darpariaethau ariannol)—

- (a) yn rheol L3 (tal dyfarndaliadau)—
  - (i) ym mharagraff (1)(b) hepgorer “in advance”; a
  - (ii) ym mharagraffau (7) ac (8), ym mhob man lle mae’n digwydd, yn lle “gratuity” rhodder “gratuity or lump sum”; a
- (b) yn rheol L4 (atal dyblygu)—
  - (i) ym mharagraff (1), yn lle “or the Compensation Scheme” rhodder “and the Compensation Scheme”; a

“(d) in the case of a person who dies at any time after 4th December 2005 and leaves a civil partner, the civil partner is entitled to a pension at a weekly rate equal to half of that part of the deceased’s guaranteed minimum which is attributable to earnings factors for the tax year 1988-89 and subsequent tax years up to and including the tax year 1996-97.”

**12.** In Part K (revision and withdrawal of awards)—

- (a) in rule K1 (review of ill-health and certain deferred pensions), in paragraph (3)(a) for “rule B5” substitute “rule B5(4)(b)”;
- (b) in rule K1A (consequences of review), after paragraph (4) add—

“(5) If, on such consideration as is mentioned in rule K1(3), it is found that a person whose deferred pension is being paid early has become capable of undertaking regular employment, the person’s entitlement to early payment of the deferred pension will cease with immediate effect.”;
- (c) for rule K4 (withdrawal of pension during service as a regular firefighter) substitute—

**“K4 Withdrawal of pension whilst employed by a fire and rescue authority**

The fire and rescue authority by whom a pension is payable may, in their discretion, withdraw the whole or any part of the pension, except a pension under Part C (awards on death — spouses and civil partners), for any period during which the person entitled to it is employed by any fire and rescue authority in whatever capacity.”

**13.** In Part L (payment of awards and financial provisions)—

- (a) in rule L3 (payment of awards)—
  - (i) in paragraph (1)(b), omit “in advance”; and
  - (ii) in paragraphs (7) and (8), in each place where it occurs, for “gratuity” substitute “gratuity or lump sum”; and
- (b) in rule L4 (prevention of duplication)—
  - (i) in paragraph (1), for “or the Compensation Scheme” substitute “and the Compensation Scheme”; and



(ii) ym mharagraff (3) hepgorer “and rule L4B”.

**14. Yn Rhan LA (Cronfa Bensiwn y Diffoddwyr Tân)—**

(a) yn rheol LA2 (taliadau arbennig a throsglwyddiadau i Gronfa Bensiwn y Diffoddwyr Tân)—

(i) ym mharagraff (1), yn lle “paragraphs (2) to (8)” rhodder “paragraphs (2) to (10)”;

(ii) ym mharagraff (4)—

(aa) yn is-baragraff (b), yn lle “ill-health award,” rhodder “ill-health award; or”;

(bb) ar ôl is-baragraff (b), mewnosoder—

“(c) with an entitlement to payment of a deferred pension under rule B5(4)(b).”;

(iii) ym mharagraff (6)—

(aa) yn is-baragraff (a), hepgorer “or”;

(bb) yn is-baragraff (b), yn lle “comes into force.” rhodder “comes into force; or”;

(cc) ar ôl is-baragraff (b), mewnosoder—

“(c) on the date on which a deferred pension under rule B5(4)(b) comes into payment.”;

(iv) ar ôl paragraff (8), mewnosoder—

“(9) Where an authority exercises its discretion not to withdraw the payment in whole or in part of any pension under rule K4 (withdrawal of pension whilst employed by a fire and rescue authority), the authority must in the financial year in which payment is not withdrawn, transfer into the FPF an amount equal to the amount of pension paid during that financial year to that person which could have been abated or withdrawn.

(10) Where an authority pays an increased lump sum under rule B7(5A) (commutation — general provision) in respect of a firefighter, the authority must in the financial year in which payment is made transfer into the FPF an amount equal to the difference between the actual commuted lump sum and the commuted lump sum of two and a quarter times the full amount of the pension paid during that financial year to that firefighter.”;

(b) yn rheol LA3 (trosglwyddo allan o Gronfa Bensiwn y Diffoddwyr Tân), yn lle paragraff (5)(a) rhodder—

(ii) in paragraph (3), omit “and rule L4B”.

**14. In Part LA (Firefighters’ Pension Fund)—**

(a) in rule LA2 (special payments and transfers into Firefighters’ Pension Fund)—

(i) in paragraph (1), for “paragraphs (2) to (8)” substitute “paragraphs (2) to (10)”;

(ii) in paragraph (4)—

(aa) in sub-paragraph (b) for “ill-health award,” substitute “ill-health award; or”;

(bb) after sub-paragraph (b), insert—

“(c) with an entitlement to payment of a deferred pension under rule B5(4)(b).”;

(iii) in paragraph (6)—

(aa) in sub-paragraph (a), omit “or”;

(bb) in sub-paragraph (b), for “comes into force.” substitute “comes into force; or”;

(cc) after sub-paragraph (b), insert—

“(c) on the date on which a deferred pension under rule B5(4)(b) comes into payment.”;

(iv) after paragraph (8), insert—

“(9) Where an authority exercises its discretion not to withdraw the payment in whole or in part of any pension under rule K4 (withdrawal of pension whilst employed by a fire and rescue authority), the authority must in the financial year in which payment is not withdrawn, transfer into the FPF an amount equal to the amount of pension paid during that financial year to that person which could have been abated or withdrawn.

(10) Where an authority pays an increased lump sum under rule B7(5A) (commutation — general provision) in respect of a firefighter, the authority must in the financial year in which payment is made transfer into the FPF an amount equal to the difference between the actual commuted lump sum and the commuted lump sum of two and a quarter times the full amount of the pension paid during that financial year to that firefighter.”;

(b) in rule LA3 (transfer from Firefighters’ Pension Fund), for paragraph (5)(a) substitute—

“(a) a higher tier ill-health pension or a lower tier ill-health pension, or a deferred pension under rule B5(4)(b) is wholly and permanently withdrawn under rule K5 (withdrawal of pension on conviction of certain offences); and”

**15.** Yn Atodlen 1 (dehongli), yn Rhan 1 (rhestr ymadroddion)—

- (a) ar ôl yr ymadrodd “The 1999 Act”, mewnosoder—
  - (i) yn y golofn gyntaf “The 2004 Act”, a
  - (ii) yn yr ail golofn “The Finance Act 2004(1)”;
- (b) yn ystyr yr ymadrodd “Aggregate pension contributions”, yn lle “rule A8” rhodder “rule G2B (aggregate pension contributions for the purposes of awards)”;
- (c) hepgorer yr ymadrodd “Approved scheme” a’i ystyr yn yr ail golofn;
- (d) yn lle ystyr yr ymadroddion “Cash equivalent”, “part cash equivalent”, rhodder “The first expression means a cash equivalent mentioned in section 94(1)(a) of the 1993 Act; the second expression means a variation of rights mentioned in section 98(1) of the 1993 Act.”;
- (e) yn lle ystyr yr ymadrodd “Club scheme”, rhodder “A scheme providing reciprocal arrangements for the payment and receipt of transfer values between the Scheme and other occupational pension schemes under the public sector transfer arrangements.”;
- (f) ar ôl yr ymadrodd “mixed-rate service” mewnosoder—
  - (i) yn y golofn gyntaf “New Firefighters’ Pension Scheme (Wales)”, a
  - (ii) yn yr ail golofn “The New Firefighters’ Pension Scheme (Wales) set out in Schedule 1 to the Firefighters’ Pension Scheme (Wales) Order 2007(2).”;
- (g) ar ôl yr ymadrodd “Principal Act”, mewnosoder—
  - (i) yn y golofn gyntaf “Registered scheme” a

“(a) a higher tier ill-health pension or a lower tier ill-health pension, or a deferred pension under rule B5(4)(b) is wholly and permanently withdrawn under rule K5 (withdrawal of pension on conviction of certain offences); and”

**15.** In Schedule 1 (interpretation), in Part 1 (glossary of expressions)—

- (a) after the expression “The 1999 Act”, insert—
  - (i) in the first column “The 2004 Act”, and
  - (ii) in the second column “The Finance Act 2004(1)”;
- (b) in the meaning of the expression “Aggregate pension contributions”, for “rule A8” substitute “rule G2B (aggregate pension contributions for the purposes of awards)”;
- (c) omit the expression “Approved scheme” and its meaning in the second column;
- (d) for the meaning of the expressions “Cash equivalent”, “part cash equivalent”, substitute “The first expression means a cash equivalent mentioned in section 94(1)(a) of the 1993 Act; the second expression means a variation of rights mentioned in section 98(1) of the 1993 Act.”;
- (e) for the meaning of the expression “Club scheme”, substitute “A scheme providing reciprocal arrangements for the payment and receipt of transfer values between the Scheme and other occupational pension schemes under the public sector transfer arrangements.”;
- (f) after the expression “mixed-rate service” insert—
  - (i) in the first column “New Firefighters’ Pension Scheme (Wales)”, and
  - (ii) in the second column, “The New Firefighters’ Pension Scheme (Wales) set out in Schedule 1 to the Firefighters’ Pension Scheme (Wales) Order 2007(2).”;
- (g) after the expression “Principal Act”, insert—
  - (i) in the first column “Registered scheme” and

(1) 2004 p. 12.

(2) O.S. 2007/1072 (Cy. 110), a ddiwygiwyd gan 2009/1225 (Cy. 108), 2012/972 (Cy. 127), 2013/735 (Cy. 87) a 1577 (Cy. 145) a 2014/523 (Cy. 64).

(1) 2004 c. 12.

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

- (ii) yn yr ail golofn “Construe in accordance with Part 1 of Schedule 36 to the 2004 Act.”;
- (h) hepgorer yr ymadrodd “Relevant service in the armed forces” a’i ystyr yn yr ail golofn;
- (i) ar ôl yr ymadrodd “Relevant fire and rescue authority” mewnosoder—
  - (i) yn y golofn gyntaf “Reservist”, a
  - (ii) yn yr ail golofn “The meaning given in rule I8.”;
- (j) ar ôl yr ymadrodd “Reservist” mewnosoder—
  - (i) yn y golofn gyntaf “Scheme Actuary”, a
  - (ii) yn yr ail golofn “The actuary appointed by the Welsh Ministers.”;
- (k) yn yr eitem ar gyfer yr ymadrodd “retained firefighter and volunteer firefighter”—
  - (i) yn y golofn gyntaf hepgorer “and volunteer firefighter”; a
  - (ii) yn yr ail golofn ar ôl “regular firefighter” mewnosoder “or as a volunteer firefighter”;
- (l) ar ôl yr eitem ar gyfer yr ymadrodd “tax year”—
  - (i) yn y golofn gyntaf mewnosoder “volunteer firefighter”; a
  - (ii) yn yr ail golofn mewnosoder—

**“A person employed by an authority—**

- (a) as a firefighter but not as a regular firefighter or as a retained firefighter;
- (b) on terms under which the firefighter is, or may be, required to engage in firefighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to their role as a firefighter (whether instead of, or in addition to, engaging in fire fighting);
- (c) otherwise than in a temporary capacity; and
- (d) who is obliged to attend at such times as the officer in charge considers necessary, and in accordance with the orders that the firefighter receives.”

- (ii) in the second column “Construe in accordance with Part 1 of Schedule 36 to the 2004 Act.”;
- (h) omit the expression “Relevant service in the armed forces” and its meaning in the second column;
- (i) after the expression “Relevant fire and rescue authority” insert—
  - (i) in the first column “Reservist”, and
  - (ii) in the second column “The meaning given in rule I8.”;
- (j) after the expression “Reservist” insert—
  - (i) in the first column “Scheme Actuary”, and
  - (ii) in the second column “The actuary appointed by the Welsh Ministers.”;
- (k) in the entry for the expression “retained firefighter and volunteer firefighter”—
  - (i) in the first column omit “and volunteer firefighter”; and
  - (ii) in the second column after “regular firefighter” insert “or as a volunteer firefighter”;
- (l) after the entry for the expression “tax year”—
  - (i) in the first column insert “volunteer firefighter”; and
  - (ii) in the second column insert—

**“A person employed by an authority—**

- (a) as a firefighter but not as a regular firefighter or as a retained firefighter;
- (b) on terms under which the firefighter is, or may be, required to engage in firefighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to their role as a firefighter (whether instead of, or in addition to, engaging in fire fighting);
- (c) otherwise than in a temporary capacity; and
- (d) who is obliged to attend at such times as the officer in charge considers necessary, and in accordance with the orders that the firefighter receives.”

(m) hepgorer yr ymadrodd “War service” a’i ystyr yn yr ail golofn.

**16.** Yn Atodlen 2 (dyfardaliadau personol), yn Rhan 6A (cyfrifo dyfardaliadau am wasanaeth rhan-amser), ym mharagraff 2(1), yn lle ystyr A rhodder—

“A is the amount of that award calculated under the relevant Part that the person would have received had the person been a whole time employee of a fire and rescue authority”.

**17.** Yn Atodlen 3 (dyfardaliadau yn sgil marwolaeth — priodau)—

(a) yn Rhan 1 (pensiwn cyffredin priod), ym mharagraff 1(2)(a), yn lle “ill-health pension” rhodder “ill-health award” ac yn lle “a pension” rhodder “an award”; a

(b) yn Rhan 3 (pensiwn cronodig priod), hepgorer paragraff 1(1)(f) a (2)(e).

**18.** Yn Atodlen 4 (dyfardaliadau yn sgil marwolaeth — plant)—

(a) yn Rhan 1 (lwfans cyffredin plentyn), ym mharagraff 1(4)(a), yn lle “pension” rhodder “award” ac yn lle “a pension” rhodder “an award”; a

(b) hepgorer Rhan 4 (lleihau lwfans plentyn yn ystod hyfforddiant llawnamser am dâl).

**19.** Yn Atodlen 5 (dyfardaliadau yn sgil marwolaeth — darpariaethau ychwanegol), yn Rhan 3 (arian rhodd yn lle lwfans plentyn), ym mharagraff 2, yn lle “Government Actuary” rhodder “Scheme Actuary”.

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

(a) yn Rhan 2 (gwasanaeth sy’n gyfrifadwy pan dderbynnir gwerth trosglwyddo), yn Rhan 3 (trosglwyddo taliadau rhwng awdurdodau tân) ac yn Rhan 4 (swm y gwerth trosglwyddo), ym mhob man lle mae’n digwydd, yn lle “Government Actuary” rhodder “Scheme Actuary”; a

(b) yn Rhan 4 (swm y gwerth trosglwyddo)—

(i) ym mharagraff 2, yn lle “Where” rhodder “Subject to paragraph 7, where”;

(ii) ar ôl paragraff 6 mewnosoder—

“7. Where a transfer value is payable to the scheme managers of the New Firefighters’ Pension Scheme (Wales) in the case of a person who—

(m) omit the expression “War service” and its meaning in the second column.

**16.** In Schedule 2 (personal awards), in Part 6A (calculation of awards for part-time service), in paragraph 2(1), for the meaning of A substitute—

“A is the amount of that award calculated under the relevant Part that the person would have received had the person been a whole time employee of a fire and rescue authority”.

**17.** In Schedule 3 (awards on death — spouses)—

(a) in Part 1 (spouse’s ordinary pension), in paragraph 1(2)(a), for “ill-health pension” substitute “ill-health award” and for “a pension” substitute “an award”; and

(b) in Part 3 (spouse’s accrued pension), omit paragraph 1(1)(f) and (2)(e).

**18.** In Schedule 4 (awards on death — children)—

(a) in Part 1 (child’s ordinary allowance), in paragraph 1(4)(a), for “pension” substitute “award” and for “a pension” substitute “an award”; and

(b) omit Part 4 (reduction in child’s allowance during full-time remunerated training).

**19.** In Schedule 5 (awards on death — additional provisions), in Part 3 (gratuity in lieu of child’s lieu of child’s allowance), in paragraph 2, for “Government Actuary” substitute “Scheme Actuary”.

**20.** In Schedule 6 (pensionable service and transfer values)—

(a) in Part 2 (service reckonable on receipt of transfer value), in Part 3 (transfer payments between fire authorities) and in Part 4 (amount of transfer value), in each place where it occurs, for “Government Actuary” substitute “Scheme Actuary”; and

(b) in Part 4 (amount of transfer value)—

(i) in paragraph 2 for “Where” substitute “Subject to paragraph 7, where”;

(ii) after paragraph 6 insert—

“7. Where a transfer value is payable to the scheme managers of the New Firefighters’ Pension Scheme (Wales) in the case of a person who—

- (a) immediately after the termination of their employment as a regular firefighter on or after 1st July 2000, took up employment as a retained firefighter;
- (b) is a special firefighter member of the New Firefighters' Pension Scheme (Wales) under rule 1A(1) of Part 2 (scheme membership, cessation and retirement) of that Scheme from 1st July 2000, or if later, from the date before 6th April 2006 on which the person took up employment as a retained firefighter;
- (c) has elected under rule 6A (election to purchase service during the limited period) of Part 11 (pensionable pay, pension contributions and purchase of additional service) of the New Firefighters' Pension Scheme (Wales) to pay the pension contributions required as a special firefighter member from that date;
- (d) has elected under rule 11A (transfer of accrued rights under the 1992 Scheme to special membership under this Scheme) of Part 12 (transfers into and out of the Scheme) of the New Firefighters' Pension Scheme (Wales) to transfer their accrued rights under this Scheme to their special membership of the New Firefighters' Pension Scheme (Wales) at the same time as their election under rule 6A of Part 11 of that Scheme;

the amount of the transfer value is the equivalent value to the total of A/45 of pensionable service where A is the total in years of pensionable service, not exceeding 30 years."

**21. Heggorer Atodlen 7 (gwasanaeth rhyfel).**

**22.—(1)** Yn Atodlen 8 (prynu buddion uwch), yn Rhan 1 (taliadau)—

- (a) ym mharagraff 1(1), heggorer "subject to subparagraph (2)(c)," ac yn lle "normal pension age" rhodder "role";
- (b) ym mharagraff 1(2)(b), yn lle "represents; and" rhodder "represents.";
- (c) heggorer paragraff 1(2)(c);
- (d) ym mharagraff 3(1), heggorer "subject to subparagraph (2)(c)," ac yn lle "normal pension age" rhodder "role";
- (e) ym mharagraff 3(2)(b), yn lle "disentitlement; and" rhodder "disentitlement.";

- (a) immediately after the termination of their employment as a regular firefighter on or after 1st July 2000, took up employment as a retained firefighter;
- (b) is a special firefighter member of the New Firefighters' Pension Scheme (Wales) under rule 1A(1) of Part 2 (scheme membership, cessation and retirement) of that Scheme from 1st July 2000, or if later, from the date before 6th April 2006 on which the person took up employment as a retained firefighter;
- (c) has elected under rule 6A (election to purchase service during the limited period) of Part 11 (pensionable pay, pension contributions and purchase of additional service) of the New Firefighters' Pension Scheme (Wales) to pay the pension contributions required as a special firefighter member from that date;
- (d) has elected under rule 11A (transfer of accrued rights under the 1992 Scheme to special membership under this Scheme) of Part 12 (transfers into and out of the Scheme) of the New Firefighters' Pension Scheme (Wales) to transfer their accrued rights under this Scheme to their special membership of the New Firefighters' Pension Scheme (Wales) at the same time as their election under rule 6A of Part 11 of that Scheme;

the amount of the transfer value is the equivalent value to the total of A/45 of pensionable service where A is the total in years of pensionable service, not exceeding 30 years."

**21. Omit Schedule 7 (war service).**

**22.—(1)** In Schedule 8 (purchase of increased benefits), in Part 1 (payments)—

- (a) in paragraph 1(1), omit "subject to subparagraph (2)(c)," and for "normal pension age" substitute "role";
- (b) in paragraph 1(2)(b), for "represents; and" substitute "represents.";
- (c) omit paragraph 1(2)(c);
- (d) in paragraph 3(1), omit "subject to subparagraph (2)(c)," and for "normal pension age" substitute "role";
- (e) in paragraph 3(2)(b), for "disentitlement; and" substitute "disentitlement.";

- (f) hepgorer paragraff 3(2)(c); ac
- (g) ym mharagraffau 2 a 4, yn lle “Government Actuary” rhodder “Scheme Actuary”.

(2) Yn Rhan 2 (cyfrifo’r swm priodol), ym mharagraff 3, yn lle “Government Actuary” rhodder “Scheme Actuary”.

**23.**—(1) Yn Atodlen 9 (apelau), yn Rhan 1 (apêl i fwrdd canolwyr meddygol)—

- (a) yn lle paragraff 1(1) rhodder—

“**1.**—(1) Subject to sub-paragraph (2), written notice of appeal against a decision on an issue of a medical nature stating—

- (a) the appellant’s name and address, and
- (b) the grounds of the appeal,

must be given to the fire and rescue authority within 28 days of the date on which the appellant receives the documents referred to in rule H2(4); and where the appellant receives those documents on different dates, they will be treated for this purpose as received on the later or latest of those dates.”;

- (b) yn lle paragraff 2 rhodder—

“**2.**—(1) On receiving a notice of appeal, the authority must supply the Welsh Ministers with three copies of—

- (a) the notice of appeal,
- (b) the notice of the relevant decision,
- (c) the opinion, response or evidence (as the case may be) supplied to the appellant, and
- (d) every other document in their possession or under their control which appears to them to be relevant to the issue that is the subject of the appeal.

(2) The Welsh Ministers must refer an appeal to a board of medical referees (“the board”).”;

- (c) ar ôl paragraff 2A mewnosoder—

“**2B.**—(1) As soon as reasonably practicable after referring an appeal to the board, the Welsh Ministers must supply the board’s administrator with three copies of every document supplied under paragraph 2(1).

(2) The board must arrange for one of their number to review those documents (“the reviewing member”).

(3) As soon as reasonably practicable after concluding the review, the reviewing member must give written notice to the Welsh Ministers—

- (f) omit paragraph 3(2)(c); and
- (g) in paragraphs 2 and 4, for “Government Actuary” substitute “Scheme Actuary”.

(2) In Part 2 (calculation of appropriate amount), in paragraph 3, for “Government Actuary” substitute “Scheme Actuary”.

**23.**—(1) In Schedule 9 (appeals), in Part 1 (appeal to board of medical referees)—

- (a) for paragraph 1(1) substitute—

“**1.**—(1) Subject to sub-paragraph (2), written notice of appeal against a decision on an issue of a medical nature stating—

- (a) the appellant’s name and address, and
- (b) the grounds of the appeal,

must be given to the fire and rescue authority within 28 days of the date on which the appellant receives the documents referred to in rule H2(4); and where the appellant receives those documents on different dates, they will be treated for this purpose as received on the later or latest of those dates.”;

- (b) for paragraph 2 substitute—

“**2.**—(1) On receiving a notice of appeal, the authority must supply the Welsh Ministers with three copies of—

- (a) the notice of appeal,
- (b) the notice of the relevant decision,
- (c) the opinion, response or evidence (as the case may be) supplied to the appellant, and
- (d) every other document in their possession or under their control which appears to them to be relevant to the issue that is the subject of the appeal.

(2) The Welsh Ministers must refer an appeal to a board of medical referees (“the board”).”;

- (c) after paragraph 2A insert—

“**2B.**—(1) As soon as reasonably practicable after referring an appeal to the board, the Welsh Ministers must supply the board’s administrator with three copies of every document supplied under paragraph 2(1).

(2) The board must arrange for one of their number to review those documents (“the reviewing member”).

(3) As soon as reasonably practicable after concluding the review, the reviewing member must give written notice to the Welsh Ministers—

- (a) of any other information which the reviewing member considers would be desirable so as to provide the board with sufficient information for the purpose of enabling the board to determine the appeal, and
  - (b) if it be the case, that it is the reviewing member's opinion that the board may regard the appeal as frivolous, vexatious or manifestly ill-founded.
- (4) On receipt of the reviewing member's notice the Welsh Ministers must—
- (a) where the reviewing member has notified the Welsh Ministers of the desirability of obtaining other information, require the authority to use their best endeavours to obtain that information, and
  - (b) where the notice contains an opinion of the description mentioned in sub-paragraph (3)(b), send a copy of it to the authority.
- (5) An authority which receives a copy of a reviewing member's opinion must, as soon as reasonably practicable—
- (a) send a copy of it to the appellant, and
  - (b) by written notice to the appellant—
    - (i) advise the appellant that, if the appellant's appeal is unsuccessful, the appellant may be required to pay the authority's costs, and
    - (ii) require the appellant to notify them, within 14 days of the date of their notice, whether the appellant intends to pursue or withdraw the appeal.
- (6) An authority which notifies an appellant under sub-paragraph (5)(b) must inform the Welsh Ministers of the appellant's response to their request under sub-paragraph (5)(b)(ii); and the Welsh Ministers must notify the board accordingly.”;
- (d) ym mharagraff 3, yn lle “The board shall secure” rhodder “Where an appeal is to be pursued, the board must secure”;
  - (e) ym mharagraff 4, yn is-baragraff (2)(b), yn lle “not less than 21 days' notice of” rhodder “not less than two months' notice of”;
  - (f) ar ôl paragraff 6, mewnosoder—
- “6A.—(1) Where the appellant and the fire and rescue authority have received a copy of the report supplied under paragraph 6 and—

- (a) of any other information which the reviewing member considers would be desirable so as to provide the board with sufficient information for the purpose of enabling the board to determine the appeal, and
  - (b) if it be the case, that it is the reviewing member's opinion that the board may regard the appeal as frivolous, vexatious or manifestly ill-founded.
- (4) On receipt of the reviewing member's notice the Welsh Ministers must—
- (a) where the reviewing member has notified the Welsh Ministers of the desirability of obtaining other information, require the authority to use their best endeavours to obtain that information, and
  - (b) where the notice contains an opinion of the description mentioned in sub-paragraph (3)(b), send a copy of it to the authority.
- (5) An authority which receives a copy of a reviewing member's opinion must, as soon as reasonably practicable—
- (a) send a copy of it to the appellant, and
  - (b) by written notice to the appellant—
    - (i) advise the appellant that, if the appellant's appeal is unsuccessful, the appellant may be required to pay the authority's costs, and
    - (ii) require the appellant to notify them, within 14 days of the date of their notice, whether the appellant intends to pursue or withdraw the appeal.
- (6) An authority which notifies an appellant under sub-paragraph (5)(b) must inform the Welsh Ministers of the appellant's response to their request under sub-paragraph (5)(b)(ii); and the Welsh Ministers must notify the board accordingly.”;
- (d) in paragraph 3, for “The board shall secure”, substitute “Where an appeal is to be pursued, the board must secure”;
  - (e) in paragraph 4, in sub-paragraph (2)(b) for “not less than 21 days' notice of”, substitute “not less than two months' notice of”;
  - (f) after paragraph 6, insert—
- “6A.—(1) Where the appellant and the fire and rescue authority have received a copy of the report supplied under paragraph 6 and—

- (a) the appellant and the authority (“the parties”) agree that the board has made an error of fact which materially affects the board’s decision;
- (b) the authority must within 28 days of receipt of the report, supply the Welsh Ministers with two copies of a statement agreed between the parties setting out—
  - (i) the error of fact;
  - (ii) the correct fact, and

invite the board to reconsider its decision.

(2) The Welsh Ministers must within 14 days of receipt of the statement supply a copy of it to the board.

(3) As soon as reasonably practicable after receiving the statement, the board must reconsider its decision.

(4) Within 14 days of that reconsideration the board must—

- (a) give written notice to the Welsh Ministers that it has confirmed its decision, or revised its decision (as the case may be), and
- (b) if it has revised its decision, supply the Welsh Ministers with a written report of its revised decision.

(5) The Welsh Ministers must supply to the appellant and the authority a copy of the written notice confirming the board’s decision, or a copy of the written report of the board’s revised decision (as the case may be).”;

(g) ym mharagraff 8—

- (i) yn lle is-baragraff (2) rhodder—  
“(2) Where the board—

- (a) decides an appeal in favour of the fire and rescue authority, and
- (b) reports that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded,

the fire and rescue authority may require the appellant to pay them such sum, not exceeding the total amount of the fees and allowances payable to the board under paragraph 7(1), as the authority think fit.”; a

- (ii) yn lle is-baragraff (2A) rhodder—  
“(2A) Where—

- (a) the appellant gives notice to the board—
  - (i) withdrawing the appeal;

- (a) the appellant and the authority (“the parties”) agree that the board has made an error of fact which materially affects the board’s decision;
- (b) the authority must within 28 days of receipt of the report, supply the Welsh Ministers with two copies of a statement agreed between the parties setting out—
  - (i) the error of fact;
  - (ii) the correct fact, and

invite the board to reconsider its decision.

(2) The Welsh Ministers must within 14 days of receipt of the statement supply a copy of it to the board.

(3) As soon as reasonably practicable after receiving the statement, the board must reconsider its decision.

(4) Within 14 days of that reconsideration the board must—

- (a) give written notice to the Welsh Ministers that it has confirmed its decision, or revised its decision (as the case may be), and
- (b) if it has revised its decision, supply the Welsh Ministers with a written report of its revised decision.

(5) The Welsh Ministers must supply to the appellant and the authority a copy of the written notice confirming the board’s decision, or a copy of the written report of the board’s revised decision (as the case may be).”;

(g) in paragraph 8—

- (i) for sub-paragraph (2) substitute—  
“(2) Where the board—

- (a) decides an appeal in favour of the fire and rescue authority, and
- (b) reports that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded,

the fire and rescue authority may require the appellant to pay them such sum, not exceeding the total amount of the fees and allowances payable to the board under paragraph 7(1), as the authority think fit.”; and

- (ii) for sub-paragraph (2A) substitute—  
“(2A) Where—

- (a) the appellant gives notice to the board—
  - (i) withdrawing the appeal;



- (ii) requesting cancellation of, postponement of, or adjournment of the date appointed for an interview or medical examination under paragraph 4(2), and

the notice is given less than 22 working days before the date appointed under paragraph 4(2); or

- (b) the appellant's acts or omissions cause the board to cancel, postpone or otherwise adjourn the date appointed under paragraph 4(2) less than 22 working days before the date so appointed,

the authority may require the appellant to pay them such sum, not exceeding the total amount of the fees and allowances payable to the board under paragraph 7(1), as the authority think fit.”; ac

- (h) hepgorer Rhan 2 (tribiwnlysoedd apêl).

**24. Yn Atodlen 11 (achosion arbennig)—**

- (a) hepgorer Rhan 3 (cyfrifo gwasanaeth cyfrifadwy pan fo person wedi peidio â gwasanaethu cyn 1 Mai 1975); a
- (b) hepgorer Rhan 4 (addasiad ar gyfer personau a oedd yn gwasanaethu ar 10 Gorffennaf 1956);
- (c) yn Rhan 5 (cymhwyso i bersonau yr effeithiwyd arnynt gan ad-drefnu llywodraeth leol neu gynllun cyfuno)—
  - (i) ym mhob man lle mae'n digwydd, yn lle “brigade” rhodder “fire and rescue authority”;
  - (ii) ym mharagraff 2, hepgorer is-baragraff (2)(b) a'r “and” sy'n dod o'i flaen;
  - (iii) hepgorer paragraff 4.

- (ii) requesting cancellation of, postponement of, or adjournment of the date appointed for an interview or medical examination under paragraph 4(2), and

the notice is given less than 22 working days before the date appointed under paragraph 4(2); or

- (b) the appellant's acts or omissions cause the board to cancel, postpone or otherwise adjourn the date appointed under paragraph 4(2) less than 22 working days before the date so appointed,

the authority may require the appellant to pay them such sum, not exceeding the total amount of the fees and allowances payable to the board under paragraph 7(1), as the authority think fit.” ; and

- (h) omit Part 2 (appeal tribunals).

**24. In Schedule 11 (special cases)—**

- (a) omit Part 3 (calculation of pensionable service where person ceased to serve before 1st May 1975); and
- (b) omit Part 4 (modification for persons serving on 10th July 1956);
- (c) in Part 5 (application to persons affected by local government reorganisation or combination scheme)—
  - (i) in each place where it occurs, for “brigade” substitute “fire and rescue authority”;
  - (ii) in paragraph 2, omit sub-paragraph (2)(b) and the preceding “and”;
  - (iii) omit paragraph 4.





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