



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2012 Rhif 972 (Cy.127)

2012 No. 972 (W.127)

**GWASANAETHAU TÂN AC
ACHUB, CYMRU**

**FIRE AND RESCUE
SERVICES, WALES**

PENSIYNAU, CYMRU

PENSIONS, WALES

Gorchymyn Cynllun Pensiwn y
Diffoddwyr Tân (Cymru)
(Cyfraniadau) (Diwygio) 2012

The Firefighters' Pension Scheme
(Wales) (Contributions)
(Amendment) Order 2012

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 Newydd y Diffoddwyr Tân (Cymru), a bennir yn Atodlen 1 i Orchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007 (O.S. 2007/1072 (Cy. 110)), gydag effaith o 1 Ebrill 2012.

This Order amends the New Firefighters' Pension Scheme (Wales) set out in Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007 (S.I. 2007/1072 (W.110)), with effect from 1 April 2012.

Mae'r diwygiad yn darparu ar gyfer cyfradd wahanol o gyfraniadau pensiwn, sy'n daladwy gan aelodau-ddiffoddwr tân o Gynllun Pensiwn Newydd y Diffoddwyr Tân (Cymru) ac sy'n cynyddu yn unol â swm y tâl pensiynadwy a gaiff yr aelod-ddiffoddwr tân.

The amendment provides for a different rate for pension contributions payable by firefighter members of the New Firefighters' Pension Scheme (Wales) which increase according to the amount of pensionable pay which the firefighter member receives.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, paratowyd asesiad effaith rheoleiddiol o ran costau a manteision tebygol cydymffurfio â'r Gorchymyn hwn. Gellir cael copi gan y Gangen Tân a'r Lluoedd Arfog, Llywodraeth Cymru, Rhyd-y-car, Merthyr Tudful, CF48 1UZ neu drwy ffonio 0300 062 8254.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Fire and Armed Forces Branch, Welsh Government, Rhydycar, Merthyr Tydfil, CF48 1UZ or by calling 0300 062 8254.

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**The Firefighters' Pension Scheme
(Wales) (Contributions)
(Amendment) Order 2012**

Gwnaed 28 Mawrth 2012

Made 28 March 2012

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 29 Mawrth 2012

*Laid before the National
Assembly for Wales* 29 March 2012

Yn dod i rym 1 Ebrill 2012

Coming into force 1 April 2012

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

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

Fel sy'n ofynnol gan adran 34(5) o'r Ddeddf honno, mae Gweinidogion Cymru wedi ymgynghori â'r cyfryw bersonau a ystyrient yn briodol, cyn gwneud y Gorchymyn.

As required by section 34(5) of that Act, the Welsh Ministers consulted such persons as they considered appropriate before making the Order.

Mae Gweinidogion Cymru yn gwneud y Gorchymyn canlynol:

The Welsh Ministers make the following Order:

Enwi a chychwyn

Title and commencement

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) (Cyfraniadau) (Diwygio) 2012.

1.—(1) The title of this Order is The Firefighters' Pension Scheme (Wales) (Contributions) (Amendment) Order 2012.

(2) Daw'r Gorchymyn hwn i rym ar 1 Ebrill 2012.

(2) This Order comes into force on 1 April 2012.

(1) 2004 p.21. Mae'r pwerau o dan adrannau 34 a 60 o Ddeddf y Gwasanaethau Tân ac Achub 2004 bellach wedi eu breinio yng Ngweinidogion Cymru i'r graddau y maent yn arferadwy mewn perthynas â Chymru. Yn flaenorol roedd y pwerau wedi eu breinio yng Nghynulliad Cenedlaethol Cymru, gan adran 62 o Ddeddf y Gwasanaethau Tân ac Achub 2004. Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2008 (p.32), trosglwyddwyd y pwerau i Weinidogion Cymru.

(1) 2004 c.21. Powers under sections 34 and 60 of the Fire and Rescue Services Act 2004 are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously vested in the National Assembly for Wales by section 62 of the Fire and Rescue Services Act 2004. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2008 (c.32), they were transferred to the Welsh Ministers.

Diwygio Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007

2. Diwygir Atodlen 1 i Orchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007(1) (y pennir Cynllun Pensiwn Newydd y Diffoddwyr Tân (Cymru) ynddi) yn unol ag erthyglau 3 a 4 o'r Gorchymyn hwn.

3. Ym Mhennod 1 o Ran 11 (tâl pensiynadwy, cyfraniadau pensiwn a phrynu gwasanaeth ychwanegol), yn rheol 3(1) (cyfraniadau pensiwn), yn lle "yn ôl cyfradd o 8.5 y cant o'i dâl pensiynadwy am y tro" rhodder "yn ôl y gyfradd o dâl pensiynadwy yr aelod-ddiffoddwr tân am y tro, a bennir yn y Tabl yn Atodiad A1".

4. Ar ôl Rhan 15 mewnosoder—

"ATODIAD A1

CYFRANIADAU PENSIWN

1. Cyfradd y cyfraniad pensiwn a grybwyllir yn rheol 3(1) o Ran 11 yw'r gyfradd a bennir yn y Tabl isod drwy gyfeirio at swm tâl pensiynadwy'r aelod-ddiffoddwr tân yng ngholofn gyntaf y Tabl.

2. Swm tâl pensiynadwy diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol, at ddibenion colofn gyntaf y Tabl, yw tâl cyfeirio'r diffoddwr tân hwnnw.

3. Swm tâl pensiynadwy diffoddwr tân rheolaidd rhan-amser, at ddibenion colofn gyntaf y Tabl, yw swm tâl pensiynadwy diffoddwr tân rheolaidd amser-llawn sydd â rôl a chyfnod gwasanaeth cyfatebol.

4. Os digwyddodd newid perthnasol parhaol yn nhelerau ac amodau cyflogaeth aelod-ddiffoddwr tân, a'r newid yn effeithio ar swm tâl pensiynadwy'r aelod hwnnw, yna, o ddyddiad y newid hwnnw, rhaid cyfrifo'r tâl pensiynadwy drwy gyfeirio at y swm diwygiedig.

5. Nid yw'r tâl pensiynadwy yng ngholofn gyntaf y Tabl isod yn cynnwys taliadau a wneir i ddiffoddwr tân rheolaidd gan yr awdurdod tân ac achub mewn perthynas â datblygiad proffesiynol parhaus y diffoddwr tân, ond caiff y taliadau hynny eu cynnwys yn nhâl pensiynadwy'r diffoddwr tân at ddibenion cymhwyso'r gyfradd a bennir yn yr ail golofn.

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

2. Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007(1) (in which the New Firefighters' Pension Scheme (Wales) is set out) is amended in accordance with articles 3 and 4 of this Order.

3. In Chapter 1 of Part 11 (pensionable pay, pension contributions and purchase of additional service), in rule 3(1) (pension contributions) for "at the rate of 8.5 per cent. of the firefighter member's pensionable pay for the time being" substitute "at the rate of the firefighter member's pensionable pay for the time being, specified in the Table in Annex A1".

4. After Part 15 insert—

"ANNEX A1

PENSION CONTRIBUTIONS

1. The rate of the pension contribution mentioned in rule 3(1) of Part 11 is that specified in the Table below by reference to the amount of the pensionable pay of the firefighter member in the first column of the Table.

2. The amount of pensionable pay of a retained or volunteer firefighter for the purpose of the first column of the Table is that firefighter's reference pay.

3. The amount of pensionable pay of a part-time regular firefighter for the purpose of the first column of the Table is the amount of pensionable pay of a whole-time regular firefighter of equivalent role and length of service.

4. Where there has been a permanent material change to the terms and conditions of a firefighter member's employment which affects the member's pensionable pay, from the date of that change pensionable pay must be calculated by reference to the revised amount.

5. Pensionable pay in the first column of the Table below does not include payments made to a regular firefighter by the fire and rescue authority in respect of his continual professional development, but those payments will be included in the firefighter's pensionable pay for the purposes of the application of the rate specified in the second column.

(1) O.S. 2007/1072 (Cy.110) fel y'i diwygiwyd gan O.S. 2009/1225 (Cy.108).

(1) S.I. 2007/1072 (W.110) as amended by S.I. 2009/1225 (W.108).

<i>Y tâl pensiynadwy</i>	<i>Y gyfradd gyfrannu o 1 Ebrill 2012 ymlaen</i>
Hyd at a chan gynnwys £15,000	8.5% o'r tâl pensiynadwy
Mwy na £15,000 a hyd at a chan gynnwys £30,000	8.8% o'r tâl pensiynadwy
Mwy na £30,000 a hyd at a chan gynnwys £40,000	8.9% o'r tâl pensiynadwy
Mwy na £40,000 a hyd at a chan gynnwys £50,000	9.0% o'r tâl pensiynadwy
Mwy na £50,000 a hyd at a chan gynnwys £60,000	9.1% o'r tâl pensiynadwy
Mwy na £60,000 a hyd at a chan gynnwys £100,000	9.3% o'r tâl pensiynadwy
Mwy na £100,000 a hyd at a chan gynnwys £120,000	9.5% o'r tâl pensiynadwy
Mwy na £120,000	9.7% o'r tâl pensiynadwy

"

<i>Pensionable pay</i>	<i>Contribution rate from 1st April 2012</i>
Up to and including £15,000	8.5% of pensionable pay
More than £15,000 and up to and including £30,000	8.8% of pensionable pay
More than £30,000 and up to and including £40,000	8.9% of pensionable pay
More than £40,000 and up to and including £50,000	9.0% of pensionable pay
More than £50,000 and up to and including £60,000	9.1% of pensionable pay
More than £60,000 and up to and including £100,000	9.3% of pensionable pay
More than £100,000 and up to and including £120,000	9.5% of pensionable pay
More than £120,000	9.7% of pensionable pay

"

Carl Sargeant

Y Gweinidog Llywodraeth Leol a Chymunedau, un o Weinidogion Cymru

Minister for Local Government and Communities, one of the Welsh Ministers

28 Mawrth 2012

28 March 2012

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