

non-binding convenience translation

**L a w**  
**on Lawyers' Pension Fund**  
**in Saxony-Anhalt**

**of 27 July 2005**

**(GVBl. LSA [Law and Ordinance Gazette,  
Land of Saxony-Anhalt] p. 458), amended by**

**first amendment pursuant to Public Notice dated 21  
May 2010, GVBl, LSA p. 341;**

**second amendment pursuant to Public Notice dated  
9 February 2011, GVBl, LSA p. 59;**

**third amendment pursuant to Public Notice dated 13  
May 2015, GVBl, LSA p. 186;**

**fourth amendment pursuant to Public Notice dated  
29 June 2018, GVBl, LSA p. 165;**

**Chapter 1**

**General Rules**

**Section 1**

**Establishment and Legal Status**

(1) A Pension Fund for the members of Saxony-Anhalt's Bar Association shall be established as a public corporation.

(2) The establishment of the public corporation shall require the prior adoption of a resolution by a majority of the lawyers present at a general meeting of the members of Saxony-Anhalt's Bar who are to become compulsory members of the Pension Fund (Section 3 subsection 1).

(3) The Pension Fund is established by resolution of the state government. The decision to establish the pension fund shall take effect on the date to be determined by the decision. The decision to establish the Pension Fund shall be published in the Ministerial Gazette of Saxony-Anhalt.

(4) The name of the body shall be "Versorgungswerk der Rechtsanwälte in Sachsen-Anhalt", Lawyers' Pension Fund in Saxony-Anhalt, and its registered office shall be at the registered office of the Bar Association.

**Section 2**

**Purpose**

(1) The Pension Fund shall have the task of granting retirement occupational disability and survivor's pensions to its members and their survivors in accordance with this Act and the Statutes. Surviving dependants shall also include the surviving registered partners of members.

(2) The Pension Fund pays its benefits exclusively from its own means.

**Chapter 2**

**Organisation and legal Situation**

**Section 3**

**Membership**

(1) Members of the Pension Fund are lawyers who are members of the Saxony-Anhalt's Bar Association.

(2) The Statutes shall provide that

1. members who provide evidence of another equivalent public-law pension institution shall be exempt from membership on application,
2. members in the case of other exemption from the statutory insurance or pension obligation are exempt from membership on application,
3. membership is not acquired in the case of existing occupational disability,
4. members may retain their membership after leaving the Saxony-Anhalt's Bar.

Applications in accordance with clause 1, numbers 1, 2 may only be submitted within 6 months of commencement of membership of the Saxony-Anhalt's Bar.

**Section 4**

**Organs**

The Organs of the Pension Fund are

1. the Assembly of Representatives,
2. the Executive Board.

**Section 5**

**Assembly of Representatives**

(1) The Assembly of Representatives consists of 9 members of the Pension Fund. The members of the Pension Fund elect the members and alternate members of the Assembly of Representatives by postal vote for a period of five years. Further details shall be determined by the Statutes. The Assembly of Representatives shall be chaired by the Chairperson. The activities of the members of the Pension Fund are voluntary.

(2) The Assembly of Representatives shall adopt rules of procedure. It shall meet at least once a year. The Executive Board as well as one third of the members of the Assembly of Representatives may demand a convocation at any time.

(3) The Assembly of Representatives shall decide on

1. the Statutes (Section 7),
2. the election and dismissal of the members of the Executive Board in the cases provided for in the Statutes,
3. the adoption of the budget, the approval of the annual accounts and the discharge of the Executive Board,

4. the appointment and dismissal of the auditor,
5. other matters assigned to it by the Statutes.

(4) The Assembly of Representatives shall pass resolutions by a simple majority of the representatives present, unless the Statutes provide otherwise. The resolutions pursuant to subsection 3, numbers 1 and 2, require a majority of two thirds of the members of the Assembly of Representatives.

## **Section 6**

### **Executive Board**

(1) The Executive Board consists of the Board's Chairman and the alternate Chairman and one more member, all of whom must be members of the Pension Fund. The Executive Board is elected by the Assembly of Representatives for the period of their office (section 5, paragraph 1, clause 2). All members of the Board must be members of the Saxony-Anhalt's Bar Association. The Board shall elect the Chairperson and the Vice Chairperson from among its members. The Executive Board shall adopt its rules of procedure. The activities of the members of the Executive Board are honorary and voluntary.

(2) In case of resignation of a member of the Executive Board, the successor shall be elected for the remaining term of office.

(3) The Executive Board shall execute the resolutions of the Assembly of Representatives. It shall decide on the affairs of the Pension Fund, unless the law or the Statutes provide otherwise. Section 5, subsection 4, clause 1 shall apply accordingly to the resolutions of the Executive Board.

(4) The Chairperson, or in the event of the Chairperson being prevented from doing so, the Deputy Chairperson, shall manage the day-to-day business and represents the Pension Fund judicially and extra-judicially.

(5) The Executive Board may appoint one or more managing directors. With the consent of the Assembly of Representatives, it may also delegate the administration and management of the Pension Fund to suitable legal entities under private or public law.

## **Section 7**

### **Statutes**

(1) Insofar as the circumstances of the Pension Fund are not regulated by law, they shall be determined by the Statutes. The Statutes shall in particular contain provisions on

1. the election, the passing of resolutions and the tasks of the Assembly of Representatives and the Executive Board,
2. the convening and rules of procedure of the Assembly of Representatives,
3. the establishment, retention and termination of membership as well as exemption from membership and voluntary membership,
4. the benefits (section 9, subsections 1 and 2), their assessment, determination, due date and method of payment, commencement and end of benefit entitlements,

5. the assessment of contributions,
6. the due date, determination, payment and deferment of contributions,
7. the obligations of the members and the powers of the Pension Fund according to section 8,
8. subsequent insurance within the meaning of section 8 of the Sixth Book of the German Social Code, SGB VI,
9. the reimbursement and transfer of contributions in the event of premature termination of membership,
10. The investment and use of the funds of the Pension Fund (section 14),
11. the principles of annual accounting and auditing,
12. the date of entry into force of the Statutes and their amendments,
13. the compensation for the activities of the organs of the Pension Fund or interdisciplinary bodies of professional pension institutions;
14. the form and manner of announcements.

The assessment of contributions (clause 2, number 5) shall be income-related, taking into account the contribution assessment ceiling of the statutory pension scheme.

(2) The Statutes and their amendments require the approval of the Ministry responsible for the Bar in agreement with the Ministry responsible for the Economy.

(3) The Statutes and any amendments thereto shall be published by the Ministry responsible for the Bar with a note of approval in the Ministerial Gazette for the Land of Saxony-Anhalt. Unless a later date is specified, they shall enter into force upon publication.

## **Section 8**

### **Obligations of the Members**

(1) The members of the Pension Fund are obliged to pay the statutory contributions. The contributions are determined by notice.

(2) For contributions which have not been paid two weeks after the due date, surcharges for late payment may be levied in accordance with the Statutes. The surcharge for late payment shall be determined by notice.

(3) The Pension Fund may demand from members, their survivors and other persons entitled to benefits the information and evidence necessary for the determination of membership as well as the kind and extent of their obligation to pay contributions and the benefits payable. Members, their survivors and other persons entitled to benefits must inform the Pension Fund immediately on any changes of circumstances according to clause 1.

(4) The Pension Fund can check the information and evidence. It is entitled to estimate the income and withhold benefits as long as the information and evidence are insufficient.

(5) Detailed provisions shall be laid down in the Statutes.

## **Section 9**

### **Benefits of the Pension Fund**

(1) The Pension Fund shall grant the following benefits upon application in accordance with the Statutes:

1. retirement pension,
2. occupational disability pension,
3. survivor's pension,
4. death grant,
5. reimbursement of contributions,
6. transfer of contributions to another pension provider,
7. lump-sum settlement for surviving spouses or registered civil partners whose pension entitlement lapses due to remarriage,
8. lump-sum payment for members whose pension entitlement does not reach the minimum monthly amount specified in the Statutes.

There is a legal entitlement to these benefits.

(2) The Statutes may provide for allowances for measures to restore the ability to work.

(3) The benefits are determined by decision and notice.

**Section 10**  
**(repealed)**

**Section 11**  
**Limitation**

(1) The statutory claims for benefits and contributions are subject to a limitation period of three years. The limitation period shall commence at the end of the year in which the claim became due. The provisions of the German Civil Code (BGB) regarding suspension, suspension of expiry, recommencement and legal consequences of the statute of limitations shall apply accordingly.

(2) Article 229 Paragraph 6 of the Introductory Act to the Civil Code shall apply mutatis mutandis with the proviso that 1 January 2002 shall be replaced by 1 June 2010 and 31 December 2001 by 31 May 2010.

**Section 12**  
**Assignment, Pledge, Attachment, Set-off**

(1) Claims to benefits and other membership rights may neither be assigned nor attached. Section 54 of the First Book of the German Social Code shall apply mutatis mutandis to the attachment.

(2) The Pension Fund may offset contributions and surcharges that have fallen due against claims for benefits.

**Section 13**  
**Information**

The Saxony-Anhalt's Bar Association shall allow the Pension Fund to inspect its register of members, notify it of the admission of a lawyer, the expiry and withdrawal of the admission and provide all other information required for membership, the obligation to pay contributions and the determination of benefits.

**Section 14**  
**Use and investment of fund**

The funds of the Pension Fund may only be used to cover the statutory benefits and the necessary administrative costs and to form the necessary provisions and reserves. They shall be invested in such a way as to achieve the greatest possible security and profitability with liquidity of the Pension Fund at all times, while maintaining an appropriate mix and spread.

**Section 15**  
**Supervision**

The Ministry responsible for the Bar Association shall exercise legal supervision over the Pension Fund.

**Section 16**  
**Insurance Supervision**

(1) Insurance supervision is exercised by the Ministry responsible for the Economy. The provisions of the Insurance Supervision Act on business plan approvals, asset investments, accounting and supervisory authority shall apply accordingly in the respective applicable version.

(2) The Ministry responsible for the Economy is authorised to determine by ordinance, in accordance with the Insurance Supervision Act and the legal provisions issued on the basis thereof, further details on the presentation of accounts, the supervisory powers, the documents to be submitted and the procedure.

**Chapter 3**

**Transitional and final provisions**

**Section 17**  
**Equal Treatment in Language**

References to persons and functions in this Act shall be understood in both the masculine and the feminine form.

**Section 18**  
**Term of Office**

Members of the organs of the Pension Fund elected under this Act or the Statutes shall continue to hold office until their successor takes office.

**Section 19**  
**Entry into force**

(1) This Act shall enter into force on 1 August 2005.

(2) At the same time, the Act on the Establishment of a Pension Scheme for Lawyers in Saxony-Anhalt of 13 December 1993 (GVBl, LSA p. 761) amended by Article 10 of the Act of 26 March 2004 (GVBl, LSA pp. 234, 235) shall cease to have effect.