

Statute on Attorneys' Pensions

(non-binding convenience translation)

(RAVG NW)
of 6 November 1984
(GVBl. NW No 62 of 29 November 1984, p. 684)
amended by

The first legislative amendment pursuant to the Notice of 24 April 1995,
GVBl. NW No 38 of 18 May 1995, p. 376,
the second legislative amendment pursuant to the Notice of 20 April 1999,
GVBl. NW No 18 of 20 May 1999, p. 154,
the third legislative amendment pursuant to the Notice of 16 March 2004,
GVBl. NW No 9 of 5 April 2004, p. 135,
the fourth legislative amendment pursuant to the Notice of 3 May 2005,
GVBl. NW No 23 of 25 May 2005, p. 498

The State Parliament has adopted the following Act, which is hereby promulgated:

§ 1 Establishment, task

(1) A body governed by public law, called 'Versorgungswerk der Rechtsanwälte im Land Nordrhein-Westfalen', with its registered office in Düsseldorf, is hereby established.

(2) The scheme shall provide benefits to its members and other persons entitled to benefits in accordance with this Act and the Statutes.

(3) The utility provides its services exclusively from its own resources.

§ 2 Membership

(1) The members of the Pension Fund are all members of a Bar Association under the supervision of the Land of North Rhine-Westphalia.

(2) Membership shall not apply to persons who, after the age of 45, become a member of a Bar Association within the meaning of paragraph 1.

(3) The statutes may provide that:

1. Members are, at their request, wholly or partially exempted from membership or compulsory contributions if they prove that they have received another pension;

2. Members up to five full calendar years

(a) after being admitted to the Bar for the first time;

(b) after first joining a Bar Association within the meaning of subsection (1) in accordance with § 206 of the Bundesrechtsanwaltsordnung, or

(c) are partially exempted from the obligation to pay contributions after the authorisation within the meaning of § 209 sentence 1 of the Bundesrechtsanwaltsordnung has been granted for the first time, but at the latest until the age of 45; (3) membership shall be maintained if the conditions laid down in paragraph 1 cease to exist in the person of a Member;

§ 3 Institutions

The bodies of the pension fund shall be:

- (1) the representative meeting;
- (2) the Bureau;
- (3) the President;
4. the managing director

§ 4 Representatives' meeting

(1) The representative meeting is composed of thirty members, ten of whom are members of the Dusseldorf, Hamm and Cologne Bars. The members and the number of alternates provided for in the Statutes shall be elected for a period of five years. The elections are organised separately by chamber districts. Only members of the pension fund are eligible to vote and are entitled to vote.

(2) The Assembly of Representatives shall decide on:

1. Adoption and amendment of the Statutes;
2. Electing and dismissing the members of the board of directors in the cases provided for in the statutes;
3. Adoption of the annual accounts and discharge to the Board of Directors;
4. Determination of contributions and assessment of benefits. The decisions on paragraphs 1 and 2 shall require a majority of more than two thirds of the members of the representative meeting.

(3) The Assembly of Representatives shall meet at least once a year. The board of directors and one third of the members of the representative meeting may request the convening of the meeting at any time.

§ 5 Board

(1) The Bureau shall consist of seven members. They shall be elected by the Assembly of Representatives for a term of five years. They may not be members of the representative meeting. Four members of the board of directors must be members of the utility.

(2) The board of directors shall manage the activities of the utility. Elect the President and the Vice-President from among its members; they must be part of the utilities organisation.

(3) The President shall direct the board of directors and, subject to § 6, represent the Versorgungswerk in court and out of court. He or she shall oversee the managing director. The Vice-President shall represent the President

§ 6 Managing Director

The Executive Director shall manage the Registry. He shall be responsible for day-to-day management and shall carry out the decisions of the Governing Board. It shall be appointed by the President by decision of the Governing Board.

§ 7 Obligations of members and beneficiaries

(1) The members of the pension fund shall be required to pay the contributions provided for in the Statutes. The contributions shall be fixed by decision. In so far as the amount of the contributions depends on pay and earnings, Paragraphs 14 and 15 of Book Four of the Social Code apply mutatis mutandis.

(2) Contributions which have not been paid two weeks after the due date may be subject to additional charges in accordance with the rules laid down in the articles of association. In the event of late payment of more than three months, interest may also be charged in accordance with the rules laid down in the articles of association. The penalty for late payment and the interest shall be fixed by decision.

(3) The pension scheme may require members and other beneficiaries to provide the information necessary to determine membership and the nature and extent of the obligation to pay contributions or pension benefits.

§ 7a Recovery of arrears

Arrears, arrears and interest shall be recovered in accordance with the rules applicable to the enforcement of judgments in civil disputes on the basis of a decision issued by the managing director and accompanied by a certificate of enforceability. Enforcement may not commence until two weeks after service of the enforceable decision. § 767 (2) of the Code of Civil Procedure does not apply to objections relating to the claim itself.

§ 8 Benefits of the pension fund

In accordance with the terms and conditions laid down in the Statutes, the scheme shall provide, on request, the following services:

1. Old-age pension
2. Invalidity pension;
3. Survivor's pension

4. Reimbursement of contributions;
5. Transfer of contributions to another pension scheme provider;
6. Capital compensation for surviving spouses or registered partners whose pension entitlement ceases as a result of re-marriage;
7. A lump sum payment for members whose pension entitlement does not reach the minimum monthly amount laid down in the articles of association.

(2) The articles of association may provide for grants for rehabilitation and death grants.

§ 9 Expiry of claims

The provisions of the Civil Code shall apply mutatis mutandis to the limitation period for entitlement to benefits and contributions under the statutes.

§ 10 Assignment, pledge, attachment

Claims for benefits cannot be assigned or pledged. § 54 of Book I of the Social Security Code shall apply mutatis mutandis to seizure.

§ 11 Statutes

In so far as the matters of the pension fund are not determined by law, they shall be governed by the statutes. This applies in particular to:

- (1) the determination and method of payment of contributions and benefits;
- (2) the establishment and termination of membership;
- (3) exemption from membership or from the obligation to pay contributions;
- (4) retro-insurance in accordance with § 186 of Book VI of the Social Code;
5. the provisions of the data to be collected and transmitted pursuant to § 7 (2) and (12).

§ 12 Information

The pension fund may obtain information on the persons concerned from the authorities of the administration of justice and from the bar associations, in so far as the information is necessary for the purposes of establishing membership and the nature and extent of the obligation to pay contributions or pension benefits.

§ 13

(repealed)

§ 14

(repealed)

§ 15 Duration of office

(1) Office-holders of the Pension Fund elected in accordance with this Act or the Statutes shall continue to hold office until the successor takes office.

(2) (repealed)

§ 16 Transitional provisions

(1) A lawyer or lawyer who is a member of a Bar Association of the Land of North Rhine-Westphalia at the time of entry into force of the Act, and

1. has not reached the age of 45 years, shall become a member of the pension fund; it may, on application, be exempted from membership or from the obligation to pay contributions, in whole or in part, in accordance with the rules laid down in the Statutes;

2. has reached the age of 45, but not the age of 55, shall, on request, become a member of the pension fund;

3. has reached the age of 45, but not the age of 55 and is not a member of the scheme, may become a voluntary member of the pension fund in accordance with the Statutes.

(2) The applications referred to in paragraph 1 shall be submitted within one year of the entry into force of the Statutes.

(3) Paragraph 9, in the version in force since 1 May 2004, shall apply to rights existing on that date and not yet time-barred. Article 229 (6) (1), (3) and (4) of the Introductory Law to the Civil Code shall apply mutatis mutandis, with the proviso that Section 9 of the Civil Code is replaced by Paragraph 31 of that law. From to 30 April 2004 and from 1 January 2002 to 1 May 2004.

§ 17 Entry into force

This Act shall enter into force on the day following its promulgation.

Düsseldorf, 6 November 1984

The Provincial Government of North Rhine-Westphalia

Prime Minister Johannes Rau

Minister for Justice Haag