



Pensions Act 2008

2008 CHAPTER 30

PART 5

MISCELLANEOUS

State and official pensions

140 Pre-1948 insurance affecting German pension entitlement

- (1) This section applies where the conditions in subsections (2) and (3) are satisfied.
- (2) The first condition is satisfied if it appears to the Secretary of State that a person (the “pensioner”) is, or was immediately before death, a person—
 - (a) whose German pension entitlement is (or was) reduced by one or more periods of pre-1948 insurance, or
 - (b) who would have (or would have had) a German pension entitlement, but for one or more periods of pre-1948 insurance.
- (3) The second condition is satisfied if—
 - (a) the insured person entered the United Kingdom as an unaccompanied child directly or indirectly from Germany, Austria, Czechoslovakia or Poland in the period beginning with 2 December 1938 and ending with 31 May 1940, or
 - (b) the Secretary of State otherwise considers it appropriate to give a direction under subsection (4).
- (4) At the request of the pensioner or (where the pensioner is dead) any other person claiming to be affected, the Secretary of State may direct that, on the giving of the direction, subsection (5) takes effect in relation to the period or periods of pre-1948 insurance.
- (5) On this subsection taking effect in relation to any period—
 - (a) the insured person is deemed not to have been, not to have been deemed to be, and not to have been treated as being, insured for that period under the Widows', Orphans' and Old Age Contributory Pensions Acts 1936 to 1941

Status: This is the original version (as it was originally enacted).

- or under any provision of Northern Ireland legislation corresponding to those Acts, and
- (b) any contribution mentioned in section 141(2)(b) or (c) is deemed not to have been credited to the insured person.
- (6) The Secretary of State may give directions specifying how any request for the purposes of subsection (4) must be made.
- (7) Where subsection (5) has taken effect in relation to a period or periods of pre-1948 insurance, the relevant authority may pay to any person an amount not exceeding any amount that would, but for subsection (5), have been payable to that person in respect of—
- (a) a benefit specified in section 20(1) of the Social Security Contributions and Benefits Act 1992 (c. 4) (contributory benefits), or
- (b) a benefit specified in any provision of Northern Ireland legislation corresponding to that provision.
- (8) In this section—
- “child” means a person aged under 18;
- “German pension entitlement” means entitlement to benefits arising under insurance with the Deutsche Rentenversicherung, or any other entitlement that appears to the Secretary of State to be relevant for the purposes of this section;
- “insured person” is to be read in accordance with section 141;
- the “relevant authority” means—
- (a) in relation to a benefit within subsection (7)(b), the Department for Social Development in Northern Ireland;
- (b) in any other case, the Secretary of State;
- “unaccompanied” means unaccompanied by an adult family member.