



TMA
THEATRICAL MANAGEMENT ASSOCIATION



Equity Pension Scheme

Commercial Theatre (TMA)

INFORMATION & PROCEDURES

(updated 04.04.2011)

Administered by

FIRST ACT

Simpson House, 6 Cherry Orchard Road, East Croydon. CR9 5BB

A Trading Name of

HENCILLA CANWORTH
Ltd

Registered in England No.1593283 at the Registered Office above.
Regulated and Authorised by the Financial Services Authority



INVESTOR IN PEOPLE

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First Act

First Act is an Independent Financial Intermediary regulated by the Financial Services Authority (FSA).

We were appointed as Equity's preferred suppliers of insurance and financial services after a rigorous tendering and selection process, which was completed in 1995.

Our design for the EPS was presented to Equity, along with others and following a further tendering process and independent audit process we were appointed Administrators of the **EPS** upon launch in October 1997.

First Act holds the Investor In People Award.

AVIVA

The current AVIVA UK Group was renamed from Norwich Union in June 2009.

AVIVA is now the largest UK Insurer and ranked 6th in Europe with funds under management exceeding £300 billion.

AVIVA handles the investment element of the **EPS**.

Equity Pension Scheme (EPS)

Established in October 1997, the **EPS** is the only pension scheme approved by Equity and is the only arrangement that permits **artists, stage managers and stunt coordinators / performers** to benefit from contract related **employer** contributions.

Type:

A Personal Pension which is approved under Part 4 of the Finance Act 2004.

ASCN No. A7001055E

Ownership:

The **member** is the plan holder.

Eligibility for Membership:

All members of Equity are eligible to join as well as, in respect of contract related contributions, **non-members of Equity.**

This applies whether engaged on a self-employed basis or via a limited company.

Level of Contract Related Contributions

Provided that the **member** has notified the **employer** that they are a **member** of the **EPS**, the **employer** shall contribute an amount equal to 5% of the **member's** weekly rehearsal or performance fee, up to a maximum of 5% of 1.5 times the relevant basic minimum weekly rehearsal or performance fee.

Basic minimum rehearsal fee is £347.00

Basic minimum performance fee is £400.00 (once nightly)

Basic minimum performance fee is £435.00 (twice nightly)

Rehearsal - £347.00 x 1.5 = £520.50

Performance (once nightly) - £400.00 x 1.5 = £600.00

Performance (twice nightly) - £435.00 x 1.5 = £652.50

Rehearsal - £520.50 x 5% = £26.03

Performance (once nightly) - £600.00 x 5% = £30.00

Performance (twice nightly) - £652.50 x 5% = £32.63

To obtain the **employer** contribution, the **member's** commitment is to contribute at least 2.5% of their weekly rehearsal or performance fee, again subject to the above maximum.

Rehearsal - £520.50 x 2.5% = £13.01

Performance (once nightly) - £600.00 x 2.5% = £15.00

Performance (twice nightly) - £652.50 x 2.5% = £16.31

The following are to be excluded for the purpose of pension contribution calculation if they are not automatically included in the basic weekly rehearsal or performance fee:

- Understudy responsibilities and performance payments
- Push and Pull
- Overtime
- Bank Holiday Pay
- Swing Payments
- Dance Captain and Assistant Dance Captain responsibilities
- EPK (Electronic Press Kit) payments
- Click Track payments
- Cast Recording payments
- Ad-hoc Television payments

Taxation

Producer:

The 5% **employer** pension contribution is effectively simply treated as a higher weekly performance fee.

Therefore, the **employer** pension contribution will be treated as an allowable business expense.

In all cases the **employer** pension contribution must be added to the weekly salary of the **member** before being deducted.

The above also applies to those engaged via a limited company.

Member:

The effect is neutral as the additional 5% is directed into a Personal Pension, which benefits from tax relief being granted at source.

The claiming of any additional tax relief due to the **member** being a higher rate tax-payer is the responsibility of the **member**.

VAT

As the **employer** contribution forms part of the overall fee for the **member** is it also subject to VAT where a **member** is VAT Registered.

If the **employer** is VAT Registered, the additional VAT can be recovered in the employer's VAT Return.

National Insurance

Producer:

The **employer** pension contributions are not exempt from employer's National Insurance. Whilst regrettable, this is an anomaly due to the unique way in which **members** are self-employed for tax purposes, but pay Class 1 NI contributions.

Equity is continuing to lobby the Contributions Agency for these pension contributions to be NI exempt.

Member:

The **member** will be subject to Class 1 National Insurance.

Joining Procedure

The **member** or their representative contacts First Act to request a Membership Pack and unique **EPS Membership Number**.

The **member's** Address, Date of Birth, NI Number and contact telephone number are also noted at this time.

There is no requirement for a **member** to make contributions other than when appropriate via the appropriate Contract, however, if they wish to make separate personal contributions unrelated to contracts, they are able to do so.

Form of Engagement – Contract or Addendum

It is the responsibility of the **member** to notify the **employer** that they are a **member** of the **EPS** and to provide their **EPS Membership number** in the space provided in the contract or addendum (a copy of the addendum is enclosed for reference).

Contracts issued from 1st April 2004 should have the relevant **EPS** clause present. If not, the Addendum to Contact should be used.

Addendum

Equity Pension Scheme Addendum to standard contract for Theatre Performers / Stage Management – Commercial Theatre (TMA).

Are you already a member of the **EPS**? YES/NO

If **YES** and you want contributions to be made in respect of your Contract and benefit from the 5% **Employer** sponsored contribution insert your **EPS Membership number** here:

Your personal contribution of 2.5% will be added to the **Employer** contribution and remitted to First Act; the Scheme Administrators; for investment in your **EPS**.

Your personal deduction of 2.5% of your weekly salary will be between the minimum and the capped maximum. The actual amount deducted will depend on your agreed weekly remuneration.

I authorise the **Employer** to deduct the relevant personal contribution from my salary and remit this to First Act for investment in my **EPS**.

Signed

Name

If **NO**, but you would like to join the **EPS**, or receive more information, please contact **Andrew Barker of First Act** on **020 8686 5050**, e-mail us on eps@firstact.co.uk or write to us at: -

Andrew Barker
Hencilla Canworth Ltd (First Act)
Simpson House
6 Cherry Orchard Road
East Croydon
Surrey CR9 5BB

Processing Payments

It is important that the **member's** weekly salary is increased by the **employer** contribution and then this should be shown as a deduction. A further deduction of the **member's** contribution should also be made.

Payment of Premiums Procedure

Contributions should be remitted to First Act on a **monthly basis** commencing as soon as practicable after the deductions have been made from the **member's** salary.

Current, legislation dictates that pension deductions made in one month must be paid across by the **employer** to the **member's** pension provider no later than the 19th of the month following the deduction.

Any late payments will be monitored and may be reported to the industry regulator, the Financial Services Authority (FSA), which has the power to impose fines of up to £50,000 per rule breach.

In the event of a late payment being received, First Act is duty bound to investigate whether an EPS Member has been disadvantaged in any way by the delay.

This could either be in the form of loss of investment growth or allocation into the wrong tax year.

If it is found to be so, the Production Company will be sent reasons, details and calculations of the compensation due and an invoice for full settlement within seven days of receipt by the Production Company.

Payment of Premiums Procedure (cont)

A schedule similar to the following is to accompany the remittance to First Act.

Members Name	Membership Number	Artiste Contribution	Contract Contribution	Total Contribution	Period Covered	Production
A B Sample	P5232154A	25.00	50.00	75.00	01.01.00 31.01.00	ABC
C D Sample	P5232155A	20.00	40.00	60.00	01.01.00 31.01.00	ABC
Cheque Total				135.00		

An excel spreadsheet to aid you in the calculation of these figures is available from First Act upon request.

The cheque should be sent to :-

Andrew Barker
Hencilla Canworth Ltd (First Act)
Simpson House
6 Cherry Orchard Road
East Croydon
Surrey. CR9 5BB

with the cheque payable to "AVIVA".

A receipt will only be issued upon request.

Should you wish to make payment by BACS please contact us for bank details and a payment reference.

Backdating of Payments - Avoiding Problems

Whilst backdated payments can be accepted into the EPS, we fully understand the problems that can be incurred with regard to their calculation and from when to backdate to.

We therefore recommend that as soon as a full cast and stage management listing is available for a production, it is either faxed or e-mailed to First Act.

Fax 020 8686 5559
E-mail eps@firstact.co.uk

We shall then check the list against our member records and report our findings back to you if existing EPS members are found.

The result of this exercise will mean that you can actually identify and contact all those in the EPS at outset and remove the possibility of having to consider or authorise back-payments at a later date.

We shall not use the cast lists you send us to encourage joining of the EPS.

Points of Contact at First Act

Andrew Barker	-	Director Administration/Technical & Contributions
Tel	-	020 8686 5050
Fax	-	020 8686 5559
E-mail	-	andrew.barker@firstact.co.uk or eps@firstact.co.uk
Web Address	-	www.firstact.co.uk
David Pollard	-	Director & Independent Financial Adviser
E-mail	-	david.pollard@firstact.co.uk
David Flood	-	Director & Independent Financial Adviser
E-mail	-	david.flood@firstact.co.uk
Jon Brown	-	Administration
E-mail	-	jon.brown@firstact.co.uk