

Anti-Money Laundering (AML) Requirements



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Anti-Money Laundering Requirements

Online Property Auction (Conditional and Unconditional)

Introduction

Under the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ("the ML Regulations"), we are classed as "Estate Agents" and are obliged to carry out customer due diligence checks on all parties involved in the transaction.

Should we need more information, we would very much appreciate your cooperation as we need to fulfil our statutory obligations.

Certification of Documents

We will accept certification carried out by a solicitor, public notary, accountant, chartered surveyor, bank/building society or family doctor.

In each case, the document must state: "**Certified to be a true copy of the original seen by me**" and, where appropriate, "**This is a true likeness of the person**" with an official dated stamp (if they have one) of the person certifying, signed and dated with a printed name of the authorising person and their occupation, address and telephone number.

Alternatively you can provide documents certified by the [Post Office](#).

Please be advised that we may retain copies of any documentary evidence of ID provided and any personal data supplied will be processed only for the purposes of preventing money laundering or terrorist financing or as permitted under section 40 & 41 of the Money Laundering Regulations. This information will be kept on file for a minimum of 5 years.

If the capacity in which you propose to purchase is not shown above, please email us auctions@propertysolvers.co.uk prior or during the online auction bidding process.

We are also required to establish if an individual is a Politically Exposed Person or subject to Financial Sanctions. We may need to document evidence and undertake a third party electronic identification verification. Whilst we do not need your permission to do this search, we need to advise that such a search leaves a "soft footprint" on your credit file. This does not affect your Credit Rating.

Identification Requirements

- ✓ If you are the owner(s) of the property, or intended purchaser(s) of the property private individuals, or are you going to bid at the auction? If so, please **Section A** below;
- ✓ For other entities and legal structures, please see **Section B** below;
- ✓ For beneficial owners, please see **Section C** below.

Section A – Individuals

We must obtain:

- ✓ Full Name;
- ✓ Date of Birth (DOB);
- ✓ Residential Address

We will also ask you to confirm when you first occupied your current address and if appropriate may require previous address details.

To verify this information we will ask to see documents that confirm your Proof of Name and also Proof of Address.

Normally, we will not accept one form of identification for both name and address.

At our discretion, if we meet you face to face and original documents are provided, we may accept a valid passport, or valid photo card full driving licence and use an Electronic AML Check to verify your address.

Identity documents:

We will require a certified copy of a Government issued form of photographic identification

- ✓ Current signed passport; or
- ✓ Current UK photo card driving licence.

Alternatively provide a certified copy of one of the following documents:

- ✓ UK old style paper driving licence
- ✓ Self-employed in the construction industry – tax exemption certificate with photograph of holder (forms C155, C156 or SC60)
- ✓ Residential permit issued by the Home Office to EU Nationals on sight of their own country passport
- ✓ HM Revenue and Customs tax notification
- ✓ Benefit book or original notification letter from the Benefits Agency confirming the right to benefits
- ✓ Firearms certificate

Evidence of address

If not used as evidence of Identity one of the above documents may be used. Alternatively one of the following documents:

- ✓ A utility bill issued within the last three months – but not mobile phone bills (as these can be sent to different addresses);
- ✓ Local authority tax bill (valid for the current year, preferably)
- ✓ Bank, credit card, building society or credit union statement issued within the last three months and addressed to a current residential address
- ✓ The most recent original mortgage statement from a recognised lender.

In the case of an individual acting on behalf of a third party individual, we will require certified copies of the above documents for each person and, where applicable, confirmation of the authority to act on behalf of that person.

Section B – Companies and Other Legal Structures

Please remember we need to identify the ultimate Beneficial Owner. So it could be that we need to see a chain of ownership from the entity that is our Customer.

For example Company A is our Customer. The shares are owned by Company B, which in turn has several private individuals who own the shares. Of these individual shareholders, two own above 25% or more of the issued share capital. We would then need to carry out appropriate Identity checks on these 2 individuals.

Legal Structure	Information Required	Individual ID Required
Non-Listed company (including a UK LLP)	<ul style="list-style-type: none"> ✓ Name, registered number, registered office and principal place of business; ✓ Copy of the Certificate of Incorporation; ✓ Names of the board of directors or equivalent body; ✓ Names of the senior person responsible for its operations; ✓ The law to which it is subject; ✓ Its legal and beneficial owners. 	Identity evidence for (a) the individual dealing with the transaction and (b) all other individuals or entities with 25% or more of the shares or voting rights in the company.
Listed company on a Regulated Market (e.g. on the LSE)	<ul style="list-style-type: none"> ✓ Copy of Official Listing; ✓ Name, registered number, registered office and principal place of business. 	Identity evidence for (a) the individual dealing with the transaction and (b) all other individuals who exercise management control.
Partnerships (Save for one Made up of Regulated Professionals)	<ul style="list-style-type: none"> ✓ Name, registered office and principal place of business; ✓ Names of the partners; ✓ List of all those with voting rights indicating their voting stake; ✓ Names of the senior person responsible for its operations; ✓ The law to which it is subject. 	Identity evidence for (a) the partner responsible for the transaction and (b) one other partner and (c) all other individuals who (directly or indirectly) are entitled to, or control, 25% or more of the capital, profits or voting rights.
A partnership of regulated professionals (except an LLP) such as a firm of solicitors	<ul style="list-style-type: none"> ✓ Entry of details held by a relevant professional body; 	Identity evidence for (a) the lead partner, (b) one other partner, and (c) all other individuals who (directly or indirectly) are entitled to, or control, 25% or more of the capital, profits or voting rights.
A Trust	<ul style="list-style-type: none"> ✓ Name of the trust; ✓ The settlor; ✓ The trustees; ✓ The beneficiaries or the individuals who benefit from the trust and in whose main interest the trust is set up; ✓ Individuals who exercise control over the trust. 	Identity evidence for a) the trustee with responsibility for the transaction, and (b) one other trustee, and (c) all individuals or entities who: (1) have a specific interest in 25% or more of the capital of the trust property; or (2) have control over the trust; or (3) belong to a class of person whose main interest benefits under a trust which does not entirely operate for the benefit of specific individuals.
Other legal structures set up by law	<ul style="list-style-type: none"> ✓ Any document which establishes, manages or regulates the structure; ✓ A list of any individuals who benefit (if applicable) or a list of the classes whose main interest is served by the structure. 	Identity evidence for all individuals or entities who: (1) are beneficiaries of 25% or more of the property where the individual beneficiaries have been determined; or (2) fall into a class of person whose main interest benefits under the structure where individuals in that class are not determined; or (3) control 25% or more of the structure or of the property under the structure.

Section C – Beneficial Owners

As part of the regulations, we must also identify Beneficial Owners (individuals who ultimately own or control the customer, or on whose behalf a transaction or activity takes place – see full explanation below).

Beneficial owners are individuals who ultimately own or control the customer, or on whose behalf a transaction or activity takes place.

For a corporate body that is not a company whose securities are listed on the regulated market, a beneficial owner is any individual who:

- ✓ Owns or controls over 25% of the shares or voting rights;
- ✓ Ultimately owns or controls whether directly or indirectly including bearer shares holdings or other means, more than 25% share or voting rights in the business;
- ✓ Exercises ultimate control over the management;
- ✓ Controls the corporate body;

As well as companies incorporated under the Companies Acts, limited liability partnerships, industrial and provident societies as well as some charities (often companies limited by guarantee or incorporated by an Act of Parliament or Royal Charter) are corporate bodies.

For a partnership, a beneficial owner is any individual who:

- ✓ Owns more than 25% of the capital or profits of the partnership;
- ✓ More than 25% of the voting rights in the partnership;
- ✓ Exercises ultimate control over the management.

For a trust, foundation or other legal arrangement similar to a trust, a beneficial owner includes:

- ✓ The settlor;
- ✓ The trustees;
- ✓ The beneficiaries or the individuals who benefit from the trust and in whose main interest the trust is set up;
- ✓ Individuals who exercise control over the trust.

For a foundation or other legal arrangement similar to a trust the beneficial owner includes the individuals with similar positions to a trust.

For other legal entities, or arrangements that administer or distribute funds, a beneficial owner includes:

- ✓ Individuals who benefit from the entity's property;
- ✓ Where beneficiaries have not been established, the class of persons in whose main interest the entity or arrangement is set up or operates;
- ✓ Any individual who exercises control over the property.

For the estate of a deceased person in the course of administration, a beneficial owner means:

- ✓ The executor (original or by representation) or administrator for the time being of a deceased person in England, Wales or Northern Ireland;
- ✓ The executor for the purposes of the Executors (Scotland Act) 1900 in Scotland.

A beneficial owner in any other case is the individual who ultimately owns or controls the entity or on whose behalf a transaction is being conducted.

There a legal obligation for Companies (and similar obligations for Trusts) to provide on request:

Name, registered number, registered office and principal place of business;

- ✓ Names of the board of directors or equivalent body;
- ✓ Names of the senior person responsible for its operations;
- ✓ The law to which it is subject;
- ✓ Its legal and beneficial owners;
- ✓ Its memorandum of association or similar documents.