

Anti-Money Laundering Procedure

Spencer James are committed to ensuring that it has adequate controls to counter money laundering activities and terrorist financing activities, in line with the Money Laundering Regulations 2007.

As with all Estate Agents, we are subject to the Money Laundering Regulations 2017. This means that we have to obtain and hold identification and proof of address for all customers.

Additionally, we are also required to establish whether there are any beneficial owners on whose behalf the transaction or activity is taking place, therefore, we would request that you identify anyone who you would consider to be a beneficial owner.

Where appropriate, the source or destination of funds may also be requested. Without this information, we will be unable to proceed with any work on your behalf. Risk-sensitive policies and procedures must be established in order to anticipate and prevent money laundering and terrorist financing. A risk-sensitive or risk-based approach is where businesses assess the risk of customers laundering money through their business.

Businesses may take the starting point that most customers will not launder money but will identify criteria that could indicate a higher risk of money laundering. For example: where there is no face-to-face meeting to establish identity.

Identification procedures

Adherence to the “Due Diligence” identification procedures on every occasion will mitigate the risks of our business being used to launder money or fund terrorism. All landlords, tenants, vendors and purchasers must be identified fully with two forms of ID, evidence of identity being photographic and also evidence of residence e.g. a utility bill dated in the last three months.

Should a face-to-face meeting not take place then enhanced due diligence procedures will need to be adopted by asking for additional information or evidence to establish the customer’s identity, and ensuring that the documents supplied are certified.

It would also be prudent to ensure that the first payment is made to a bank account in the customer’s name.

If the verification of the customer’s identity is done by documents this should be based on a government-issued document with the customer’s full name and photo with either the customer’s date-of-birth or residential address.

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Acceptable forms of identification

- Current signed passport
- Valid UK driving licence
- EEA member state identity card

Acceptable form of proof of address

- UK/EU/EEA Drivers Licence (if UK Drivers Licence not used as ID) Must be valid, not expired. Photo only. Full or provisional.
- Bank, Building Society or Credit Union Statement Dated with 3 months. Must include account number and show recent activity. No general correspondence.
- Credit Card Statement Dated within 3 months. Must include account number and show recent activity. No general correspondence.
- UK, EU, EEA Mortgage statement Dated within 12 months. Must show account number. No general correspondence.
- Utility Bill Dated within 6 months E.g. Gas, electricity, water. Must show address for service and/or account number. No general correspondence.
- Telephone Bill Dated within 6 months E.g. Landline or mobile pay monthly (excluding pay as you go). Must show address for service and/or account number. No general correspondence.
- Council Tax Dated within 12 months. Must show address for service and/or account number. No general correspondence.
- Tenancy Agreement Dated with 12 months. Must state full name and full property address. Issued by local council, housing association, solicitor or reputable letting agent.
- Benefits Entitlement Letter Dated within 12 months. Issued by DWP or Jobcentre plus. Must confirm benefit payable at time of issue. E.g. Pension, disability, single parent, housing etc.
- HMRC Tax Notification Dated with 6 months. Must state national insurance number and tax calculation. No general correspondence.
- Home or Motor Insurance Certificate Dated within 12 months. Must state insured address or registered address for vehicle and policy number. No general correspondence.
- UK solicitors letter confirming house purchase/land registration Dated with 3 months. Must state full name of new proprietor and full property address.
- NHS Medical Card or letter from GP confirming registration Dated within 3 months. Must state the individual's date of birth and NHS number. No general correspondence.
- Official confirmation of Electoral Register entry or official poll card Dated within 12 months. Must state full name and full address. No general correspondence.
- Police Registration Certificate Dated within 12 months. Must state the full residential address of the individual.

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Probate

If you are acting as a Representative of an Estate, we require the following:

- Grant of Probate (if a will was left)
- Letter of administration (if no will left)
- Individual identity evidence and proof of address of the Personal Representative, either executor or administrator

Non-private individuals

For customers who are not private individuals, such as corporate customers and private companies, the business must obtain information that is relevant, e.g. company registration number, registered address, and evidence that the individuals have the authority to act for the company – a search at Companies House will reveal details of directors and company secretary.

Suspicious Activity Reporting

A report will be made by the company's nominated AML officer, and if they think that there is a genuine possibility that a person is or has been engaged in money laundering or terrorist financing, then this will be reported to HMRC.

What is Suspicious Activity?

New Customers:

- Reluctance to provide details of their identity
- The customer is trying to use intermediaries to hide their identity or involvement
- There appears to be no genuine reason for the customer to use the business's services

Regular/Existing Customers:

- Money is paid by a third party who does not appear to be connected with the customer
- The customer requests payment to a third party who has no apparent connection with the customer
- A cash transaction is carried out for less than market value with an unconnected person. Should a report be made then it is important that this fact, and any information about the transaction in question, is kept confidential transaction is unusually large and the customer will not disclose the source of funds.

Record Keeping

The following records are required to be kept for 5 years:

- Copies of, or references to, the evidence obtained of a customer's identity for five years after the end of the customer relationship, or five years from the date when the transaction was completed. •
- Supporting records relating to a customer relationship or occasional transaction for five years from the date when the transaction was completed.

The purpose of keeping these records is to demonstrate the business's compliance with the regulations and to aid any resulting investigations.