

## How do the Anti-Money Laundering Regulations impact Real Estate Agents?

As a commercial real estate agency, Portunus is registered with HM Revenue and Customs (HMRC) for anti-money laundering supervision and must comply with requirements of the Money Laundering, Terrorist Financing and Transfer of Funds Regulations 2017 (as amended). Our anti-money laundering responsibilities are part of our corporate responsibilities as a RICS regulated firm.

## What is money laundering?

Money laundering is the process of changing illegally acquired money and assets into clean money or assets that appear to be from a legitimate source. Property is widely recognised as an attractive target for those wanting to hide the proceeds of crime.

## How does this impact on Customers of Portunus?

We are required to understand and verify who our Customers are and evidence that we have completed our Know Your Customer (KYC) checks.

When conducting our due diligence on corporate bodies, we will request the necessary documents and information to demonstrate the ownership and control structure of the entity; and identify the beneficial owners and/ or those who may have ultimate executive control.

## Which Individuals will we need to carry out identity checks on?

We need to identify and verify the individuals, who ultimately own or exercise executive control over a corporate body or ultimately benefit from the transaction. We will let you know based on your particular legal structure, which individuals we need to check. We use the SmartSearch service ([www.smartsearch.com](http://www.smartsearch.com)) to run electronic KYC checks and verify the information that we have received from you. Their data partners are Dow Jones, Experian, Equifax and Companies House.

## Why do you need to provide this information again if you have provided it to your solicitor?

A number of professionals involved in the property transactions will need to carry out Know Your Customer (KYC) checks, including solicitors, accountants and financial services firms.

We carry out our own checks as we are ultimately responsible in law for ensuring that our KYC checks have been undertaken properly and comprehensively. However, we may be able to ask your other advisers for confirmation of some information.

## What other information will we ask you to provide?

Where you are selling a property, we need proof of ownership and control of the property. We complete Land Registry checks but in the case of an unregistered interest e.g. an Option agreement, then we will need to verify it.

The level of checks we need to carry out (for example on the source of funds) will depend on the perceived money laundering risks associated with a given structure or transaction.

## Why are we asking for this information when we are not acting as your agent?

For the purposes of the anti-money laundering regulations, our Customers are defined as not only our Client who instructed us to buy or sell a property but also the Counter Party in the transaction. We must conduct the same due diligence on all Customers.

## What if you don't provide the information and/ or documentation we request?

In order to act on your behalf and provide our services, we must complete our KYC checks to meet our regulatory obligations. The Estate Agency Business Guidance for Money Laundering Supervision, issued by HMRC sets out the obligations of Customers in Clauses 4.112 – 4.115 to provide information, including on those people with significant control, and to notify us of any changes to the information supplied.

## How will your personal data be protected?

Your information is collected for the sole purpose of completing our KYC checks in order to meet our legal obligations and will be held confidentially and securely and will not be shared with any third parties outside of Portunus unless we are required to in order to comply with a regulator or law enforcement authorities.

The grounds for the processing of personal data in line with the anti-money laundering regulations is lawful and necessary for the prevention of money laundering and terrorist financing and is for the performance of a task carried out in the public interest.

To avoid the risk of any delays to the transaction, please provide the information requested as quickly as possible.

If you have any questions, please contact us on 01962 589348 or [info@portunusassociates.co.uk](mailto:info@portunusassociates.co.uk).



**1**

Portunus is instructed to acquire or dispose of a property interest

**2**

Verification of Customer's identity is required by law

For corporate entities:  
This means understanding your ownership and control structure; identifying those individuals who are ultimate beneficial owners and/ or exercise ultimate executive control.

**3**

Verify the identity of those individuals:

1 photographic identity + 1 proof of residential address  
A full list of acceptable documentation for UK based and non-UK based individuals below.

### CHOOSE THE MOST CONVENIENT WAY TO PROVIDE YOUR ID:

Show original documents to our agent at a meeting. The agent will take copies for our records.

Provide us with copies of your ID which has been certified by a reliable, independent source e.g. solicitor.

Submit your ID documents and facial recognition remotely using the SmartSearch app.

### INDIVIDUAL IDENTITY DOCUMENTS

#### Proof of name & identity:

The original (or if that is not available a certified copy) of one of:

- Signed passport
- National identity card with a photograph
- UK or EU driving licence (with photograph)
- Any verifiable current government document containing a photograph of the client

**AND**

#### Proof of address:

The original (or if that is not available a certified copy) of one of:

- Current council tax (dated last 12 months) or utility bill (dated last 6 months)
- Current bank/ building society statement with current address (dated last 3 months)
- Current mortgage statement (dated last 12 months)
- Driving licence (if not used to confirm identity)

**4**

For transactions involving a real estate interest , we need proof of ownership or control, and may need other information e.g. source of funding.