

GUIDANCE: Practice Wide Money Laundering/Terrorist Financing (ML/TF) - Risk Assessment

Pro forma documentation and associated guidance for use by small firms registered for AML Supervision with the CIOT or ATT

The pro forma risk assessment included in this document is an example only and **must** be tailored by the member for use in their own practice.

No pro forma document can cover every set of facts and circumstances in connection with the assessment of ML/TF risks relating to a supervised firm.

Whilst every care has been taken in the preparation of this document, the pro forma document and the guidance does not purport to be a comprehensive statement of the relevant law.

The CIOT, the ATT, and all those involved in the preparation and approval of this document shall not be liable for any direct or indirect loss, consequential loss, loss of profits or loss of reputation occasioned by reliance on this document.

Use of the document does not indicate that there would be no action points arising from an AML inspection visit as the document must be tailored appropriately by any firm using it.

This guidance is not a substitute for taking appropriate legal and other professional advice. It should be read alongside [The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017](https://www.tax.org.uk/members/anti-money-laundering-and-counter-terrorist-financing/anti-money-laundering-faqs) (MLR 2017) [AML Guidance for the Accountancy Sector](https://www.tax.org.uk/members/anti-money-laundering-and-counter-terrorist-financing/anti-money-laundering-faqs).

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**Note:** The pro forma documents **must** be tailored in order to reflect the requirements of your practice. In particular, areas which may require amendment in the pro forma risk assessment document are shown in red. Instructions as to what to do are in *red italics.*

# Introduction

This document has been designed to assist small business practitioners assess and understand their exposure to ML/TF risks by providing practical guidance regarding the steps and actions that may be carried out to determine the extent of those risks.

This guidance and the attached pro forma document is considered to be most suitable for small firms subject to AML supervision by the CIOT and ATT. In particular, if you are a sole practitioner firm or a 2 partner/2 director practice dealing with a range of tax issues (small general practice firms) the pro forma may be appropriate for your practice. Refer also to question and answer 5 below.

# Background

The Money Laundering Regulations that became effective in 2017 (“MLR 2017”) requires all regulated/supervised financial services businesses to ensure that they have effective internal controls to mitigate financial crimes such as Money Laundering or Terrorist Financing.

Specifically, Regulation 18 refers:

A risk assessment is a necessary requirement for each supervised business under Regulation 18 of MLR 2017. The Regulations state: -

***“****18.— (1) A relevant person must take appropriate steps to identify and assess the risks of money laundering and terrorist financing to which its business is subject.*

*(2) In carrying out the risk assessment required under paragraph (1), a relevant person must take into account—*

*(a) information made available to them by the supervisory authority under regulations 17(9) and 47, and*

*(b) risk factors including factors relating to—*

*(i) its customers;*

*(ii) the countries or geographic areas in which it operates;*

*(iii) its products or services;*

*(iv) its transactions; and*

*(v) its delivery channels.*

*(3) In deciding what steps are appropriate under paragraph (1), the relevant person must take into account, the size and nature of its business.”*

The accurate assessment of ML/TF risks faced by a business enables there to be a proportionate response to the risks.

The risk assessment is the foundation to the AML policies, controls and procedures particularly in relation to client due diligence (“CDD”) and training.

A realistic analysis of risk will enable you to focus the greatest resources on the greatest areas of risk.

All financial service providers, including tax practitioners will, inherently, have potential ML/TF risks associated to their business by virtue of the products and services they offer.

The ML/TF risk assessment is designed to help businesses understand and therefore mitigate those risks, even if overall the risk of them occurring is low.

# Q&A on firm wide risk assessments

## Q1. How often should the risk assessment be conducted/revisited and updated?

A new firm should ensure they prepare a risk assessment of their practice **as soon as possible** after commencing in business.

It is good practice for the risk assessment to be reviewed at least on an annual basis and updated periodically as necessary.

We recommend, the risk assessment be reviewed in the interim if, for example, there is a change in the firm’s client base, services provided etc as these changes may result in a change to the risk profile of the business.

Any updates to either regulation or legislation may also require changes to be made.

When the document is reviewed, you should record that review, even if no changes have been made.

Where changes have been made it is important you make sure all employees are made aware of the changes.

## Q2. Why is there a section on the Pro Forma document suggesting different areas of the business might have different risks associated with them?

Inherently firms will have varied risks across different areas of work. For example, some members may deal with relatively low risk tax returns for employees and high-risk tax advisory work for overseas individuals investing in UK property.

It can be helpful to identify that different risks apply in different areas of the business to ensure that controls, policies and procedures reflect the risks in those different areas.

## Q3. Does the firm wide ML/TF risk assessment need to be sent to the CIOT/ATT as our AML supervisory body?

ML/TF risk assessments do not need to be sent to the CIOT or ATT unless a firm is asked to submit it.

The CIOT/ATT will always ask to see the completed ML/TF risk assessment as part of an AML inspection visit however, they may also request sight of this document in other circumstances. (See the comments under Q4 below in relation to answers provided on the AML registration and annual renewal forms).

Q4. If we use this pro forma document, does that mean if the firm is inspected, that there will be no penalties for non-compliance with MLR 2017?

The MLR 2017 sets out a number of requirements within and associated to relevant legislation.

The CIOT and ATT cannot, and will not, confirm that use of this pro forma document will ensure the firm avoids sanctions by the CIOT and ATT as AML supervisory bodies nor action by the UK courts if there have been failures in AML compliance within a firm.

**Note:** All those supervised by the CIOT and ATT should note that they may be referred to the Taxation Disciplinary Board if they provide inaccurate answers on their AML Registration or Annual Renewal Form. One example of this would be where they answer “yes” to questions relating to having a written firm wide risk assessment in place and are later found to not have one.

## Q5. What other guidance is available to assist a firm in preparing the firm wide ML/TF risk assessment?

Chapter 4 of [AML Guidance for the Accountancy Sector](https://www.tax.org.uk/members/anti-money-laundering-and-counter-terrorist-financing/anti-money-laundering-faqs) provides information for supervised firms in relation to the risk based approach. In addition, FAQ 35 of the AML FAQ prepared by the [CIOT](https://www.tax.org.uk/members/anti-money-laundering-and-counter-terrorist-financing/anti-money-laundering-faqs) and [ATT](https://www.tax.org.uk/members/anti-money-laundering-and-counter-terrorist-financing/anti-money-laundering-faqs) covers helpful guidance for those wishing to write their own practice risk assessment.

Supervised firms report to us that they like to use template documents.

Templates suitable for all firms can be obtained from some of the training providers detailed on the websites [here](https://www.tax.org.uk/membership-and-events/anti-money-laundering-and-counter-terrorist-financing/id-verification-and) (CIOT) and [here](https://www.tax.org.uk/members/anti-money-laundering-and-counter-terrorist-financing/anti-money-laundering-faqs) (ATT).

The CIOT and ATT have also produced pro forma documentation which you may find of assistance if you have a small firm. These are available at the end of this document. These documents are most suitable for sole practitioners and small general practice firms.

Larger firms and those dealing with niche tax planning areas should consider using the more prescriptive documents available through training providers, writing their own more detailed documents or taking specialist advice.

# Pro forma Firm Wide Money Laundering/Terrorist Financing Risk Assessment

## **Firm Wide Risk Assessment**

**Under Regulation 18 MLR 2017 – [Name of Firm]**

**Purpose of this document:**

Under the requirements of Regulation 18 (1) MLR 2017 a supervised firm “must take appropriate steps to identify and assess the risks of money laundering and terrorist financing to which its business is subject.”

This ML/TF risk assessment has been carried out with the purpose of identifying and recording ML/TF risks that [name of firm] may find itself exposed to.

A note of all the steps taken to reach this risk assessment are set out on the attached appendix.

**Note**: A record of this risk assessment and the steps taken to identify and assess those risks will always be available for inspection by the CIOT/ATT as the firm’s AML supervisory body.

**Risk assessment – overview**

We have determined that overall ML/TF risk in relation to [name of firm] is [high/medium/low].

For further detail as to how this risk assessment has been reached, please refer to the attached appendix and note the additional comments below.

*[Add the next section if appropriate for the practice]*

**[Risk assessment – Areas of the practice]**

This firm undertakes a number, of distinct areas of work. Each of these have been considered and the risk ratings in relation to each area of work are as follows:

For example: -

* Accounts work
* Tax Compliance
* Tax Advisory
* VAT Advice]

**Risk assessment – summary of factors taken into consideration and main risks identified**

Regulation 18 (2) MLR 2017 reflects that a firm is required to consider, particular information available and certain risk factors.

We confirm that these factors have been considered and taken into account in completing this risk assessment.

Further comments in respect of these areas are set out below: -

1. ***Information made available by CIOT/ATT***

The information supplied by the CIOT/ATT in relation to risk in the supervised population has been considered.

Based on this information, we have determined that this firm [has none of the risk factors identified on the supervisory risk assessment]/ [has a number of risk factors and for ease of reference these have been included in section b) below together with additional risk factors identified for this business]

1. ***Risk factors including factors relating to:***
2. Our customers
3. The countries or geographic areas in which the firm operates
4. Our products or services
5. Transactions
6. Delivery channels

*[include a note in each section of risk factors identified noting none if there are no relevant risk factors]*

**Review and update**

This risk assessment and the supplementary information on which it is based will be reviewed [annually/alternative timescale] or more frequently if additional risks are identified before the next date set for review.

**Mitigation of risk**

The firm’s Anti-money Laundering (AML) Policies and Procedures specifically set out the control environment and address the actions to be taken to mitigate the ML/TF risks associated with the work undertaken by this firm.

**[name of member]**

**[name of firm]**

**Last updated [dd/mm/yyyy]**

## **Appendix 1 - Risk assessment methodology – step guide**

A summary of information on which the ML/TF risk assessment is based, and the steps to be taken to complete the firm’s ML/TF risk assessment are set out below: -

**Step One – Gather and summarise internal information**

Start by considering and identify the ML/TF risk associated with your firm.

**TIP:** It is important to take a step back and have to hand some basic information in relation to clients, services and the compliance approach within the business, in order to work through this risk assessment.

Some suggestions are set out below and may be of assistance.

We recommend that you complete Step one in some detail before moving on to step two. However, some small firms may be able to deal with step one by simply having your client List to hand as you work through the risk assessment:

1. ***Clients: Mark your client list with details such as those set out below and summarise in the boxes provided ready to compare your clients with the risk assessment categories.***

**Table 1**

|  |  |  |
| --- | --- | --- |
| **Details to collate to assist with the risk review** | **Notes** | **The % of (a) the client database and (b) fees generated by this number** |
| How many clients do we act for? |  |  |
| How many clients have we not met? |  |  |
| Numbers of clients with:  Known criminal convictions relating to proceeds of crime  Who are on the sanctions/proscribed terrorist lists | 1 |  |
| Numbers of clients where:  We consider it is unclear why they have chosen the firm as their professional adviser?  There is a reluctance to provide information or undue secrecy  Clients are uncooperative about providing client due diligence information.  There are unnecessarily complex ownership structures  The firm have been offered an unusually high fee or been asked for advice outside the usual areas of speciality?  The client trades for a short period, closes down, and then starts up a new business?  The client has multiple bank accounts or foreign accounts with no good reason. |  |  |

|  |  |  |
| --- | --- | --- |
| **Details to collate to assist with the risk review** | **Notes** | **The % of (a) the client database and (b) fees generated by this number** |
| How many clients do we have operating in/working for businesses, in a particular, sector?  List the main sectors and the number of clients in those sectors.  How many clients take on work outside their normal range of goods and services?  How many clients are involved in transactions which do not make commercial sense /source of funds is unusual/unknown. |  |  |
| How many clients are politically exposed persons (“PEPs”) or are a family member or known close associate of a PEP? | 2 |  |
| How many clients approach the firm for advice on one-off transactions only?  Require ongoing work? |  |  |
| Based on what is known about clients, how many are at risk of understating their income or overstating their expenses (or would if we did not check their records and advise them accordingly)?  How many have a lifestyle and /or transaction which are inconsistent with known business and personal information. |  |  |
| How many clients fail to bring their tax affairs up to date even after we advise them of the implications? [Note the guidance set out in Professional Conduct in Relation to Taxation help sheet on irregularities and note the potential money laundering reporting requirements]. |  |  |
| How many individual client risk assessments are in each category of:  High  Medium  Low | 3 |  |

1. ***Countries or geographies - mark your client list with details such as those set out below and summarise in the boxes provided ready to compare your clients with the supervisory risk assessment categories***

**Table 2**

|  |  |  |
| --- | --- | --- |
| **Details to collate to assist with the risk review** | **Notes** | **The % of (a) the client database and (b) fees generated by this number in each country** |
| How many clients are based overseas and where are they based? (This will enable you to consider whether any are based in high risk countries under Step two). | 4 |  |

1. ***Products and services– think through all of the services you provide and how they are provided. Can you answer these basic questions?***

**Table 3**

|  |  |  |
| --- | --- | --- |
| **Details to collate to assist with the risk review** | **Notes** | **The % of (a) the client database and (b) fees generated for each type of service** |
| What services are provided by the firm and how many clients/what percentages of fees relates to each service |  |  |
| Which of these services give scope to identify ML/TF? Which areas are ones where ML/TF is most likely to be occur? Base this consideration initially the services which you consider give scope to identify ML/TF and then review again under step two based on the risk factors set out there) |  |  |
| Is trust and company service provider work undertaken? | 5 |  |
| Do we receive, hold or pay out money on behalf of our clients as part of the service provided?  Do we have a client account through which client money passes? |  |  |

1. ***Transactions – think through the transactional work undertaken***

**Table 4**

|  |  |  |
| --- | --- | --- |
| **Details to collate to assist with the risk review** | **Notes** | **The % of (a) the client database and (b) fees generated by this number** |
| Is advice given on high value or complex transactions? |  |  |
| Do we receive, hold or pay out money on behalf of our clients as part of the transactional service provided?  Do we have a client account through which client money passes? |  |  |
| Are the nature of services provided one-off or on-going services? |  |  |

1. ***Delivery channels – think through how services are provided and make a note ready to consider how the practice operates in comparison with the factors set out on the supervisory risk assessment***

**Table 5**

|  |  |
| --- | --- |
| **Details to collate to assist with the risk review** | **The % of (a) the client database and (b) fees generated by this number** |
| How are services provided to Clients?   * Online * Face to face * Only to local clients * To national clients not all of whom are met * To international clients not all of whom are met * Other |  |

1. ***Compliance – consider factors that increase or lower risks in this area***

**Table 6**

|  |  |
| --- | --- |
| ***Questions for consideration*** | ***Yes/No/Comments*** |
| Do we ensure compliance with all CIOT/ATT AML scheme requirements are kept up to date? |  |
| Are we familiar with information available on the CIOT/ATT websites in connection with AML and do we read and consider all newsletters received etc? |  |
| Are we familiar with [AML Guidance for the Accountancy Sector (AMLGAS)](https://www.tax.org.uk/sites/default/files/FinalAMLGuidance2018.pdf) and are the procedures set out there operated within the practice? |  |
| Are there any staff and is their work reviewed and monitored? |  |
| Is our AML training up to date and are all the staff fully trained? |  |
| Is the firm growing or has the client base been static for a number of years? |  |
| Does the firm have implemented and effective internal control mechanism (eg: reconciliations of client account) |  |
| Does the firm carry out regular compliance monitoring? |  |

**GOOD PRACTICE**: Clients subject to effective AML regimes pose lower risks that one’s which are not.

**NOTE:** Lax implementation of requirements under MLR 2017 can result in higher ML/TF risks for the business.

**Step Two – Bring in external information:**

Having thought through background information on your own practice consider the [CIOT Supervisory risk assessment](https://www.tax.org.uk/sites/default/files/Supervisory%20Risk%20Assessment%202018.pdf) or the [ATT Supervisory risk assessment](https://www.att.org.uk/attciot-supervisory-risk-assessment-money-laundering-terrorist-financing-mltf). This sets out risk factors in the same categories as those referred to in Regulation 18 (2) (b) MLR 2017 and with information on your own practice to hand you should work through this to identify risks in your own practice.

**Note:** The list is not exhaustive and is illustrative in nature.

**TIP:** Just because you identify high risk areas within the practice through this review, does not mean, you will have to cease to act/turn down, particular types, of clients, or, not provide certain services. The key issue, is to be able to, identify risks so that appropriate arrangements can be put in place to manage and mitigate the risk. As set out in Professional Conduct in Relation to Taxation, a CIOT or ATT member “must not undertake professional work which they are not competent to perform unless they obtain appropriate assistance from a suitably qualified specialist”.

*\*In the second column include comments to explain any risk identified. How many clients are involved, how serious is the risk? What does the practice do to mitigate the risk?*

|  |  |
| --- | --- |
| **Clients** | **No. of Clients/Comments re: client base \***  **Take into account the information gathered for Tables 1 and 6 above.** |
| Undue client secrecy (e.g., reluctance to provide requested information); |  |
| Unnecessarily complex ownership structures (e.g. nominee shareholders or bearer shares or trusts); |  |
| Business activities: |  |
| * cash based businesses; |  |
| * cryptocurrency; |  |
| * crowd funding; |  |
| * money service bureaux; |  |
| * arms dealers; |  |
| * property transactions with unclear source of funds; |  |
| Politically Exposed Person’s (“PEPs”); |  |
| New Clients carrying out one-off transactions; |  |
| Rapid rate of turnover (e.g., trades for a short period of time, close down and then starts up as a new company) |  |
| Clients taking on work which is outside their normal range of goods and services; |  |
| Clients involved in transactions that do not make commercial sense or involved in transactions where the source of funds is unusual or unknown; |  |
| High Net Worth (“HNW”) individuals/expatriates, especially where investing in UK property; |  |
| Un-cooperative clients; |  |
| Clients who: |  |
| * have known criminal convictions relating to the proceeds of crime; |  |
| * are on the sanctions/terrorist list or have links to those on the sanctions/terrorist lists; |  |
| Clients whose life style and/or transactions are inconsistent with known business and personal information; |  |
| **Clients** | **No. of Clients/Comments re: client base \***  **Take into account information gathered for Tables 1 and 6 above.** |
| Clients with multiple bank accounts or foreign accounts with no good reason; or |  |
| Clients who have changed professional advisers a number of times in a short space of time without legitimate reasons, the service being requested was refused by another professional adviser without legitimate reasons or clients which are prepared to pay substantially higher fees than usual without legitimate reasons. |  |
| *Other customer risk factors identified in relation to this practice.* |  |

|  |  |
| --- | --- |
| **Countries or geographies** | **No. of Clients/Comments re: client base \***  **Take into account the information gathered for Tables 2 and 6 above.** |
| The money laundering or terrorist financing risk is high for customers operating from or connected with countries or geographies on the following lists: |  |
| * [financial sanctions listings](https://www.gov.uk/government/collections/financial-sanctions-regime-specific-consolidated-lists-and-releases) |  |
| * [countries identified by Financial Action Task Force as being high-risk jurisdictions](http://www.fatf-gafi.org/countries/#high-risk) |  |
| * [*European Union’s High Risk Third Country List*](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1509960809075&uri=CELEX:32016R1675)*, amended in*[*March 2017*](https://ec.europa.eu/transparency/regdoc/rep/3/2017/EN/C-2017-1951-F1-EN-MAIN-PART-1.PDF)*and*[*October 2017*](https://ec.europa.eu/transparency/regdoc/rep/3/2017/EN/C-2017-7136-F1-EN-MAIN-PART-1.PDF)In addition a new list was adopted on 13th February 2019 and the relevant details can be accessed [here](http://europa.eu/rapid/press-release_IP-19-781_en.htm). |  |
| * [HM Treasury’s National Risk Assessment 2017](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/655198/National_risk_assessment_of_money_laundering_and_terrorist_financing_2017_pdf_web.pdf) |  |
| * *Other geographical risk factors identified in relation to this practice.* |  |

|  |  |
| --- | --- |
| **Products and Services** | **No. of Clients/Comments re: client base \***  **Take into account the information gathered for Tables 3 and 6 above** |
| Investigations work where there might be a criminal element |  |
| Aggressive tax planning potentially resulting in tax evasion |  |
| Property advice including VAT and SDLT |  |
| Insolvency services |  |
| Investment business, including investing in cryptocurrencies |  |
| Raising income through crowd funding |  |
| Trust and company services, in particular company formation |  |
| Payroll services, e.g. fictitious employees or retaining PAYE/NIC/pensions contributions |  |
| Probate and estate management |  |
| Tax and accounting services where there are concerns that the underlying books and records may have been falsified |  |
| Products that may favour anonymity |  |
| *Other product risk factors identified in this practice* |  |

|  |  |
| --- | --- |
| **Transactions** | **No. of Clients/Comments re: client base \***  **Take into account the information gathered for Tables 4 and 6 above** |
| Most tax adviser services do not involve the facilitation of transactions. However, client money bank accounts may be at high risk of being used for ML/TF. |  |
| *Other transactional risk factors identified in this practice* |  |

|  |  |
| --- | --- |
| **Delivery channels** | **No. of Clients/Comments re: client base \***  **Take into account the information gathered for Tables 5 and 6 above** |
| Providing services to clients online, without meeting them, may increase the risk of being used for money laundering or terrorist financing. |  |
| *Other delivery channel risk factors identified in this practice* |  |

**Step Three:**

**TIP:** Use the information gathered through use of these prompts to update the practice risk assessment pro-forma. You will need to use all of the information you have considered to come up with the overall risk assessment rating for the practice (to be added to the section on the pro forma referred to as risk assessment – overview).

Take information from each of the sections under step two to add to the pro forma risk assessment in relation to each risk factor.

**GUIDANCE**: Retain this preparatory document in support of your ML/TF Risk Assessment.

**Step Four:**

Once you have assessed the ML/TF risks in relation to your practice you need to consider what policies and procedures you will put in place to manage and mitigate those risks. A separate pro forma document is available to assist with this.

**Notes:**

|  |  |  |
| --- | --- | --- |
| **Number** | **Section** | **Further Information** |
| 1 | Appendix One – Step One, table one | The financial sanctions lists can be accessed [here](https://www.gov.uk/government/publications/financial-sanctions-consolidated-list-of-targets)  The proscribed terrorist lists can be accessed [here](https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2)  For further information on financial sanctions please refer to [AML newsletter](https://www.tax.org.uk/membership-and-events/anti-money-laundering-and-counter-terrorist-financing/newsletters) 20. |
| 2 | Appendix One – Step One, table one | Politically Exposed Persons (PEPs) are individuals who are entrusted with prominent public functions, other than as middle-ranking or more junior officials.  Further guidance on AML risks in relation to PEPs can be found in the FCA guidance:  <https://www.fca.org.uk/publication/finalised-guidance/fg17-06.pdf> |
| 3 | Appendix One – Step One, table one | Each client the firm acts for should be risk assessed at the start of the business relationship. There should also be ongoing monitoring of risk. You should have a note of the risk assessment of all your individual clients. If this is not available it should be put in place so there is evidence of the risk assessment of individual clients. |
| 4 | Appendix One – Step One, table one | High Risk countries can be identified using the following lists:  The European Union’s original High Risk Third Country List can be accessed [here](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1509960809075&uri=CELEX:32016R1675), amended in [March 2017](https://ec.europa.eu/transparency/regdoc/rep/3/2017/EN/C-2017-1951-F1-EN-MAIN-PART-1.PDF) and [October 2017](https://ec.europa.eu/transparency/regdoc/rep/3/2017/EN/C-2017-7136-F1-EN-MAIN-PART-1.PDF). In addition a new list was adopted on 13th February 2019 and the relevant details can be accessed [here](http://europa.eu/rapid/press-release_IP-19-781_en.htm).  Other lists of high risk countries are also available and you should also refer to the following when considering the geographical risks in relation to clients:   * [financial sanctions listings](https://www.gov.uk/government/collections/financial-sanctions-regime-specific-consolidated-lists-and-releases) * countries identified by Financial Action Task Force as being [high-risk jurisdictions](http://www.fatf-gafi.org/countries/#high-risk) |
| 5 | Appendix One – Step One, table three | A Trust or Company Service Provider ”means a firm or sole practitioner who by way of business provides any of the following services to other persons, when that firm or practitioner is providing such services—  (a) forming companies or other legal persons;  (b) acting, or arranging for another person to act—  (i) as a director or secretary of a company;  (ii) as a partner of a partnership; or  (iii) in a similar capacity in relation to other legal persons;  (c) providing a registered office, business address, correspondence or administrative address  or other related services for a company, partnership or any other legal person or legal  arrangement;  (d) acting, or arranging for another person to act, as—  (i) a trustee of an express trust or similar legal arrangement; or  (ii) a nominee shareholder for a person other than a company whose securities are listed  on a regulated market.” |