

# Anti-Money Laundering Newsletter

## Issue Six - November 2010



Chartered  
Institute of  
Taxation  
Excellence in Taxation

### Update on HMT Review of the Money Laundering Regulations

HM Treasury is expected to release the Government's response to evidence obtained during the Review of the Money Laundering Regulations 2007 (to which we responded in December 2009) shortly. The response will not include recommendations for amendments to the Regulations but HM Treasury will consult on this following further scrutiny sometime next year. We will keep you updated on any proposals for change and any opportunities to contribute your views.

### More than one business address

If you operate from two addresses, should they pay an additional registration fee for Anti-Money Laundering supervision? Unlike HMRC, the issue for us is the number of businesses rather than the number of business addresses. So, if you have one business entity that operates from several addresses, then you only need to pay for one registration. HMRC has recently carried out a review into how it charges its costs through fees and has decided that it will continue to charge a supervisory registration fee for each business address. An executive summary on the HMRC fee review can be found [here](#).

### AML seminars and further training

The series of AML seminars around the country given by the Professional Standards team has now finished and feedback was very positive. The seminars concentrated on giving practical advice on how the Money Laundering Regulations 2007 affect you and/or your practice. We aim to continue our AML training by having a slot at the ATT conferences next year (being held from April to June 2011) where real life scenarios will be looked at to help you continue to achieve effective compliance with the Regulations.

More details to follow in later Newsletters.

### Home Secretary announcement about the future of the Serious Organised Crime Agency

Plans were announced in July 2010 to create a new National Crime Agency which will build on the resources and enforcement capabilities of the Serious Organised Crime Agency (SOCA). The details are still under review so members are reminded that until further notice they should continue to report suspicious transactions or activities to SOCA. [How to make a Suspicious Activity Report](#)

## Financial restrictions for Bank Mellat and the Islamic Republic of Iran Shipping Lines (IRISL) continue

HM Treasury has confirmed that although The Financial Restrictions (Iran) Order 2009 expired in October 2010, Bank Mellat and IRISL (including branches and some subsidiaries) continue to be subject to an asset freeze under EU Regulation 423/2007, as amended by EU Regulation 668/2010 of 26 July 2010. Members should proceed with caution if they are doing business with any countries on the sanctions list. More information is available on the [HM Treasury website](#).

## Prudential Case

You may have read about the recent Prudential case where it was ruled that legal professional privilege did not extend to non lawyers such as tax advisers and accountants. However this decision does not affect the privilege reporting exemption under section 330 POCA 2002. This is an important provision. The exemption applies to 'relevant professional advisers' and as a member of CIOT or ATT you are considered to come within this definition. If information comes to you, as a relevant professional adviser, in privileged circumstances you must not submit a report to SOCA. Further details can be found in the CCAB [Guidance](#).

## *External Consultants cannot act as your Nominated Officer*

In line with views expressed by HMRC and the FSA, members who are registered with us under the Money Laundering Regulations are reminded that external consultants cannot act as their business' Nominated Officer as this would not meet the standards required. Whilst we have no objection to businesses getting advice from external consultants regarding their obligations under the Regulations, the responsibility for complying with the Regulations remains on the business rather than any consultant.