**New Practice AML Questionnaire**

The Society notes that you have recently commenced practice. As the Professional Body AML Supervisor to the legal profession in Scotland we require you to complete this form - in order that we can understand the potential inherent AML risks your business may be exposed to. The information you provide will also be useful to your practice in alerting you to areas of inherent AML risk.  
  
Please complete the following questionnaire and return to [AML@Lawscot.org.uk](mailto:AML@Lawscot.org.uk) within 14 days of receipt and prior to beginning to operate. This is in addition to completion of your AML Registration which should be returned to our Registrars department (details can be found on the [AML Registration website](https://www.lawscot.org.uk/members/regulation-and-compliance/financial-compliance/anti-money-laundering/aml-registration-requirements-frequently-asked-questions/))   
  
Please note: Additional guidance on AML requirements is available on our [website](https://www.lawscot.org.uk/members/regulation-and-compliance/financial-compliance/anti-money-laundering/aml-registration-requirements-frequently-asked-questions/). If you believe your practice and the activities you plan to undertake to be exempt from AML supervision, please complete and return the exemption declaration at the bottom of this form.

**Notes:**

* [r.18(1)](https://www.legislation.gov.uk/uksi/2017/692/regulation/18) of the Money Laundering Regulations 2017 requires that all regulated persons (i.e., independent legal professionals) must carry out and maintain a Practice Wide Risk Assessment (PWRA) to identify and assess the risk of money laundering and terrorist financing to which it is subject.
* The New Practice AML Questionnaire may help you form your PWRA, however we understand the information contained within may be best estimate(s) at this time.

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| **Practice General Overview** | |
| Practice name |  |
| Has an MLRO been appointed? | Yes/No *(delete as appropriate)* |
| MLRO name |  |
| MLRO position within the practice |  |
| Number of practice partners (or Directors etc. as appropriate) |  |
| Total number of Law Society of Scotland Member staff, including partners (or Directors etc. as appropriate) |  |
| What do you consider the inherent level of AML risk of your practice will be? | *Based on responses to inherent risk sections below.* |
| Type of practice? | *e.g., niche corporate practice, specialist services, full-service, high-volume conveyancer?* |
| Practice Location? |  |

***The factors outlined below are non-exhaustive – there may be other important risk factors which should be considered, dependent upon the size and nature of your practice.***

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| **Review of the UK National Risk Assessment, LSS Scottish Legal Sectoral Risk Assessment & UK Legal Sectoral Guidance** | |
| * [r.18(2)](https://www.legislation.gov.uk/uksi/2017/692/regulation/18) stipulates that all practices must read, and review information made available to them by the supervisory authority under [r.17(9)](https://www.legislation.gov.uk/uksi/2017/692/regulation/17) and [r.47](https://www.legislation.gov.uk/uksi/2017/692/regulation/47) and **assess the risks outlined within in the context of their own business.** * Does the practice undertake areas of work which are highlighted in these reports as of higher AML Risk? How much of this work does the practice undertake?   **Law Society of Scotland Sectoral Risk Assessment 2018:**[**scottish-legal-sectoral-assessment-of-ml-and-tf-risks-2018.pdf (lawscot.org.uk)**](https://www.lawscot.org.uk/media/359827/scottish-legal-sectoral-assessment-of-ml-and-tf-risks-2018.pdf)  **Legal Sector Affinity Group Anti-Money Laundering Guidance for the Legal Sector 2021:** [**lsag-aml-guidance-20-january-2021-2.pdf (lawscot.org.uk)**](https://www.lawscot.org.uk/media/370253/lsag-aml-guidance-20-january-2021-2.pdf)  **National risk assessment of money laundering and terrorist financing 2020:** [**NRA\_2020\_v1.2\_FOR\_PUBLICATION.pdf (publishing.service.gov.uk)**](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945411/NRA_2020_v1.2_FOR_PUBLICATION.pdf)  *(This guidance may give you some further context re. risk factors etc.)*  **Please assess your practice in the context of the risk factors set out in the above documents - Clients, activities etc. and note your assessment here:** | |
| **Specific Inherent AML Risk Factors** | |
| **Customer Risk** | *A list of questions to ask yourself in completing this section (non-exhaustive):*   * Does the practice expect a high turnover of clients or a stable existing client base? * How are you expecting clients to engage with the practice? (Recommendations/Online etc.) * Will the practice act for clients across both criminal and civil matters? * Does the practice expect to take on work for non-UK/EU clients or any high risk jurisdictions? * Does the practice expect to onboard any Politically Exposed Persons (PEPs)? * Will the practice undertake work for corporate clients with complex or multiple layers of ownership and or links to international/offshore jurisdictions?   **Please note your assessment against the above factors here:** |
| **Geographical Risk** | *A list of questions to ask yourself in completing this section (non-exhaustive):*   * Does the practice expect the practice to operate out-with the UK/EU or areas with potentially higher levels of corruption? * Does the practice expect the practice to receive funds in from jurisdictions out-with the UK/EU?   **Please note your assessment against the above factors here:** |
| **Products or Services Offered Risk** | *A list of questions to ask yourself in completing this section (non-exhaustive):*   * Does the practice expect to offer any services which may attract a higher level of risk such as large volume/high value conveyancing, tax mitigation strategies, work involving offshore jurisdictions or the creation and/or management of specialist entities? * Does the practice intend to receive or undertake requests to do work out-with its usual area of coverage?   **Note your assessment against the above factors here:** |
| **Transaction Type Risk** | *A list of questions to ask yourself in completing this section (non-exhaustive):*   * Does the practice expect to be involved in transactions which are undertaken at short notice, within short timescales, quick turnarounds, or high volumes? * Will the practice be involved in more complex work involving trust or other legal entity company formation, management, or service provision? * Will the practice undertake transactions involving new sources of finance? - (Non-FCA regulated such as crowd funding platforms or bitcoin/cryptocurrencies) * Will the practice undertake transactions which are publicly funded?   **Note your assessment against the above factors here** |
| **Delivery Channel Risk** | *A list of questions to ask yourself in completing this section (non-exhaustive):*   * Does the practice plan to always meet and verify all clients face to face? * Does the practice plan to conduct business on a non-face to face basis? * Does the practice plan to always meet/hold a relationship with any underlying clients? * Will the practice undertake work conducted through intermediaries or other 3rd parties? * What methods are the practice planning to utilise to undertake identification and verification and general due diligence requirements?   **Note your assessment against the above factors here** |

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| **Exemption Declaration** |
| If your firm does not offer any legal or notarial services which fall within the Scope of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 we require a formal confirmation that you are exempt from AML supervision by The Law Society of Scotland.   Please note however, though your practice may be exempt from AML Supervision at a given time, if you should undertake any business in future which does bring you within scope of **Regulation 12(1)**, you must inform us timeously and comply with the AML Registration and our AML Certificate processes.  If you believe your practice is exempt, please complete the following declaration:   I, ***[your name]***, on behalf of ***[your practices name and address]*** hereby certify to the Law Society of Scotland, as Anti Money Laundering Supervisor for Scottish solicitors, that neither my practice nor I provide legal or notarial services which fall within the Scope of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.  I further certify that should this change, and I or my firm do start to provide legal or notarial services which fall within the scope of the 2017 Regulations, I will seek approval from the Law Society of Scotland before I start to provide those services.  **Signed by (Position):  Date: ­­­** |

**Signed by (position):**

**Date:**

GDPR, Data Protection Act 2018. For information about how we use your personal data see our [privacy policy](https://www.lawscot.org.uk/website-terms-and-conditions/privacy-policy/) at [www.lawscot.org.uk](http://www.lawscot.org.uk/)