The Law Society of Scotland

Atria One

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Whereas:-

1. Regulation 26 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (the 2017 Regulations) provides that no person may be the beneficial owner, officer or manager (BOOM) of a firm or a sole practitioner (all as defined in the 2017 Regulations) unless approved of as such by the relevant supervisory authority.
2. Under Regulation 26, an application to the relevant supervisory authority for approval as a BOOM must contain or be accompanied by “sufficient information to enable the supervisory authority, if it is a self-regulatory organisation, to determine whether the person concerned has been convicted of a relevant offence.” *(26(7)(b)(i))*
3. Disclosure Scotland is currently only processing applications for key workers in sectors deemed vital for the Coronavirus response. Independent legal professionals are currently not in such sectors and are not deemed “key workers”. Firms and sole practitioners are therefore unable to fulfil the criminal record checking requirement.
4. I, (FULL NAME) solicitor and member of the Law Society of Scotland, was appointed a BOOM of (NAME OF FIRM) with registered/head office at (ADDRESS OF FIRM) on (DATE)

Or (DELETE AS APPROPRIATE)

1. I, (FULL NAME) solicitor and member of the Law Society of Scotland, will be appointed a BOOM of (NAME OF FIRM) with registered/head office at (ADDRESS OF FIRM) on (DATE)

I, the said (FULL NAME) do solemnly and sincerely declare that as at the date of my appointment as a BOOM I have no unspent convictions for any relevant offence (identified in schedule 3 of the 2017 Regulations) and I will provide a basic disclosure certificate as soon as reasonably practicable and without undue delay following this declaration, and I make this solemn declaration conscientiously believing the same to be true.

Signed ……………………………………………………………………………………….

Dated …………………………………………………………………………………………