



CASE STUDY

MONEY LAUNDERING REGULATION

Bright Line Law is regularly instructed to advise on the application of the money laundering regulations to persons working in the regulated sector. These include financial institutions, law firms, accountancy firms, estate agents, casinos and high value dealers. Clients include international firms as well as smaller and mid-sized entities. Bright Line Law is adept at working with 'mixed' firms that engage in a combination of non-regulated and regulated work.

Since 2016, Bright Line Law's recent cases in this area have included:

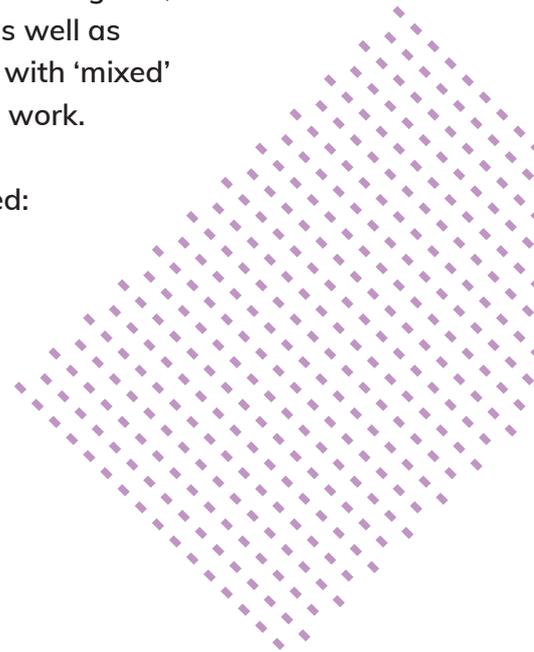
TAILORED ANTI MONEY LAUNDERING POLICIES AND PROCEDURES

1. The development of comprehensive Anti Money Laundering and Counter Terrorist Financing policies and procedures for a large regulated firm operating globally. Bright Line Law, led by Jonathan Fisher QC, assisted the firm in a firm-wide risk assessment in compliance with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017. In consultation with the client, an updated comprehensive policy was developed which reflected the risk level of the firm, the risk level of particular practice areas, internal process and locations of work.

Sensitive to the firm's work streams, commercial realities and typical clients, Bright Line Law provided detailed advice on the firm's responsibilities under the new risk-based regulations. It also has been on hand to advise on the application of the regulatory framework when novel commercial issues arise and shaped the training sessions delivered by the firm to relevant employees.

CUSTOMER DUE DILIGENCE FAILURES

2. The failure to discharge obligations relating to Customer Due Diligence (CDD) under the money laundering regulatory framework is potentially a criminal offence committed by the regulated firm and individuals involved. Bright Line Law was instructed to review material gathered during a large investigation of potential Anti Money Laundering deficiencies committed by a regulated firm and advise on the exposure to criminal liability and potential action taken by the regulator.





A thorough review of records held by the firm was undertaken to assess the potential liability of the firm, directors and the Money Laundering Reporting Office involved. Requiring a detailed and granular understanding of the regulatory framework then in force and the associated statutory guidance, Jonathan Fisher QC advised on whether there was sufficient basis for prosecution and disciplinary action and steered the defence strategy. Key to the instruction was a comprehensive grasp of the regulatory requirements, appreciation of the firm's reputation in the marketplace and thorough hands-on approach.

ESTATE AGENTS AND MONEY LAUNDERING OBLIGATIONS

3. Bright Line Law has been instructed by several leading estate agents to provide comprehensive advice on the level of Customer Due Diligence (CDD) required and the timing of CDD in the context of complex property sale negotiations. As part of one instruction, Bright Line Law reviewed in detail the estate agent's existing policies and procedures to evaluate compliance with the framework.

A granular assessment of the aspects of the estate agency's work was also undertaken in order to advise which fell within the scope of the regulated sector and attracted CDD requirements.

The instruction delivered clarity to the estate agent's practice. The advice was delivered thoroughly with a sensitivity to client profiles, nature of work, size of the company and the commercial reality within the workplace.

FIT AND PROPER AND MONEY LAUNDERING OBLIGATIONS

4. Bright Line Law can act for any firm or individual where there is a question of fitness to remain on the register for estate agents, high value dealers, money service businesses (MSBs) and others in the regulated sector. Certain persons are required to be registered and supervised by HMRC. Bright Line Law's barristers are well placed to act where a question of whether a person is 'fit and proper' arises. They have expertise in responding to an alleged failure to discharge Anti Money Laundering obligations.

Bright Line Law's barristers have a deep understanding of Anti Money Laundering regulations, statutory guidance and practical application in a wide range of regulated entities. Its barristers are experienced in preparing the defence of and acting for persons facing allegations that they are not fit and proper or have engaged in any kind of professional misconduct.



PANAMA AND PARADISE PAPERS AND MONEY LAUNDERING DEFICIENCIES

- Jonathan Fisher QC was instructed to advise on money laundering and professional regulatory matters, including remediation by a regulated firm, in the wake of the Panama and Paradise Papers disclosures.

Bright Line Law can advise and act in relation to all aspects of money laundering regulation. It is well placed to audit existing Anti Money Laundering policies and procedures.

Bright Line Law's experience in the area of money laundering regulation is further demonstrated by:

- Proven expertise in the 2017 regulatory framework and the implications of the UK's 2017 National Risk Assessment focused on money laundering
- Awareness of a bank's need to balance financial inclusion with adherence to Customer Due Diligence (CDD) requirements
- Its understanding of Anti Money Laundering risk assessment and the need for policies and procedures to be the subject of an independent audit
- Its understanding of the use of algorithms and technology in the combating of money laundering.

CONTACT BRIGHT LINE LAW

Contact us if you would like to discuss litigation funding and insurance options. Bright Line Law is highly regarded as a specialist barrister-led law firm. Contact a member of our team, call us on +44 (0)20 3709 9470 , or email admin@brightlinelaw.co.uk