



Providing identification when instructing a solicitor

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Section Home Affairs Section

Some constituents are concerned that when they first instruct a solicitor, they are asked to provide evidence of their identity, and have questioned whether this is a legal requirement.

Solicitors, in common with others, are required to comply with anti-money laundering obligations. In practice, this means obtaining and checking evidence of identity before accepting instructions to act. Failure to comply with these obligations, when required to do so, is a criminal offence.

Further information about the money laundering is available in another Library standard note, *Money Laundering Regulations* (SN/BT/2592).

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1 Anti-money laundering legislation

Money laundering is generally defined as the process by which the proceeds of crime, and the true ownership of those proceeds, are changed so that the proceeds appear to come from a legitimate source.

Solicitors, in common with others, are required to comply with anti-money laundering obligations included in the *Proceeds of Crime Act 2002*, the *Terrorism Act 2000* and the *Money Laundering Regulations 2007* (the Regulations)¹. In practice, this means obtaining and checking evidence of identity before accepting instructions to act. Failure to comply with the legislation, when required to do so, is a criminal offence.

Under the *Proceeds of Crime Act 2002* money laundering can arise from small profits and savings from relatively minor crimes, such as regulatory breaches, minor tax evasion or benefit fraud. A deliberate attempt to obscure the ownership of illegitimate funds is not necessary.²

2 Law Society guidance for clients

The Law Society website includes guidance for clients entitled [Money laundering procedures](#):

New government regulations mean you must prove who you are if you are a new client or if your solicitor has not taken instructions from you for some time.

Why?

The UK is a major international financial and legal centre, with a strong reputation for honesty and integrity. Unfortunately that is why financial and professional businesses, like banks and solicitors' firms, are attractive to money launderers – criminals who sometimes try to hide stolen money by turning it into legitimate income. The government has introduced measures:

- To make it more difficult for criminals to make and keep money from their crimes
- To confiscate the proceeds of crime

For this reason there are compulsory checks which solicitors have to make of their clients. Being asked for identification does not mean you are under suspicion. The new identification requirements apply to all clients when they are asking their solicitors to conduct certain types of cases.

How this affects you

This means you will have to show your solicitor, or somebody acting on their behalf, some personal documents that can include:

- Current signed passport
- Photo-card driving licence
- Benefit book
- And a recent gas, electricity or other household bill

¹ SI 2007/2157

² Law Society, [Anti-money laundering practice note](#), 29 October 2009

If you don't have these documents, you will have to ask your solicitor to advise you on how best to prove who you are.

3 Law Society Practice Note for solicitors

The Law Society has also published a [practice note](#) (available on the Law Society website) which aims to assist solicitors in England and Wales to meet their obligations under the UK anti-money laundering and counter-terrorist financing regime.³ The practice note sets out the circumstances in which the Regulations apply and the activities covered and not covered.

³ Anti-money laundering practice note, 29 October 2009