



## Firm undertaking

### When to use this form

Submit this undertaking with your application for approval as a provider of legal aid services if you are an employee, partner or director of a law firm or incorporated law firm. You do not need to complete this undertaking if you are practising as a barrister. The obligations set out at 2 – 6 below will apply to you as part of your contract for services.

This undertaking must be completed by the authorised signatory of the **Firm's account**. If your application is approved, this undertaking becomes the Schedule 3 undertaking in the provider contract for services. The contract is available on the **Ministry of Justice website**.

Applicant name

Firm name (nominated)

Firm's number (if known)

Name of authorised  
signatory of Firm's account

The Provider has nominated the **Firm's account** to be the account into which payments for Legal Aid Services or Specified Legal Services provided by the Provider are to be paid by the Secretary.

The authorised signatory of the **Firm's account** undertakes, on behalf of the **Firm**, the following:

1. the Firm will receive all payments from the Secretary for Legal Aid Services and Specified Legal Services provided by the Provider by direct credit only. On receipt, the Firm will promptly pay all approved providers and disbursements incurred in the course of supplying the Services. The Firm will not make any claim for payment in any other manner (for example, by cheque)
2. the Firm will maintain and retain all files and information relating to the Provider's Accepted Assignments in accordance with clauses 3.12 to 3.14 of Schedule 2 of the *Provider Contract for the Provision of Legal Aid Services and Specified Legal Services (Contract)* for a period of at least seven years from the date of closure or the last activity on the matter. This does not apply to Accepted Assignments that are Re-assigned under clause 4.6 or 4.7 of Schedule 2 of the Contract, or to any files or information that the Provider has taken with them
3. if an Accepted Assignment is Re-assigned to another provider outside the Firm, the Firm will comply with any directions from the Commissioner for the transfer of the file/s and will:
  - ensure that the file is up to date and complies with clause 3.12 of Schedule 2 of the Contract; and
  - promptly transfer the file/s in a manner that ensures the interests of any legally aided persons are not prejudiced.
4. at the written request of the Secretary, the Firm will make available for assessment, Examination or Audit the files and information in clause 2 of this undertaking and any other information the Secretary is entitled to assess, Examine or Audit under the Legal Services Act 2011
5. the Firm will take all reasonable steps to protect the interests of the Commissioner under a charge, including not doing or permitting anything that would or might effect the transfer of the property without the charge being satisfied
6. the Firm will advise the Commissioner if it is aware that an aided person has, is, or is attempting, to avoid making payments to the Commissioner from the Proceeds of Proceedings.

In signing this Firm undertaking, the authorised signatory acknowledges that they have read it and agree to be bound by it.

For and on behalf of the Firm with full authority to bind the Firm with this Undertaking

Name

Position

Date

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