

Easement instrument to grant easement for use as a walkway

(Section 109 Land Transfer Act 2017 and section 26 Walking Access Act 2008)

Grantor

Grantee

New Zealand Walking Access Commission

Grant of Easement

The Grantor being the registered owner of the burdened land set out in Schedule A **grants to the Grantee**, in gross, the easement(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Purpose of Easement	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Walkway under the Walking Access Act 2008			In gross

Easements rights and powers (including terms, covenants and conditions)

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018.

The implied rights and powers are hereby **added to** by the provisions set out in Annexure Schedule 1.

Annexure Schedule 1

It is hereby agreed and declared that

Subject to the grant created by this instrument the Grantors and its, his, her or their heirs or assigns may continue to exercise all of the rights of a registered proprietor over the land subject to the right.

Rights, Powers and Remedies

Walkway

1. The right of way easement in gross created by this instrument expresses a grant to the New Zealand Walking Access Commission for use as a walkway under the Walking Access Act 2008 of a right of way in gross on foot only to permit any member of the public to pass and repass and perform any activity that is reasonably incidental to that of passing and repassing over the land subject to the right.
2. The rights, powers and remedies which apply to the above grant are specified in the Walking Access Act 2008 and prevail if, and to the extent that, they are inconsistent with the covenants implied by s111 of the Land Transfer Act 2017.
3. "Grantee" shall mean the New Zealand Walking Access Commission ("the Commission"), and includes any Controlling Authority of this easement appointed by the Commission for the purposes of the Walking Access Act 2008 and the agents, employees, contractors, tenants, licensees, and other invitees of either the Commission or the Controlling Authority respectively.
4. Clause 12 of Schedule 5 of the Land Transfer Regulations 2018 must be read subject to the above definition of "Grantee" so that liability for damage arising from entering and doing work on the walkway or other land specified in that clause falls on either the Commission or the Controlling Authority as may be appropriate.

Agreement

This instrument is the entire agreement of the grantors and grantee.