

Reprint
as at 30 September 2008

New Zealand Walkways Act 1990

Public Act 1990 No 32
Date of assent 10 April 1990

New Zealand Walkways Act 1990: repealed, on 30 September 2008, by section 81 of the Walking Access Act 2008 (2008 No 101).

Contents

	Page
Title	2
1 Short Title	2
2 Interpretation	3
3 General purpose of Act	4
4 General policy	4
5 Powers of Director-General	5
Establishment of walkways	
6 Walkways over public land	5

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

This Act is administered in the Department of Conservation.

7	Conflict with other Acts	6
8	Walkways over private land	7
9	Rights of public in respect of walkways	8
10	Limitation of liability of occupiers	8
	Administration of walkways	
11	Appointment of controlling authorities	9
12	Functions and powers of controlling authorities	9
13	Rangers	10
14	Obstructing ranger, etc	11
15	Finance	12
16	Minister may authorise expenditure of money on land that is not a walkway	12
17	Funds for controlling authorities	13
18	Grants and gifts	13
	General provisions	
19	Powers of rangers	14
20	Regulations	14
21	Bylaws	15
22	Bylaws to be approved by Minister	16
23	Offences	16
24	Trespass on private land from walkway with firearm or dog	18
25	Proceedings in respect of offences	18
26	General penalty for offences	19
27	Time within which information may be laid	19
28	Closure of walkways	19
29	Revocation of notices declaring walkways	20
29A	Control of dogs	21
30	Commission and District Walkway Committees abolished	21
31	Amendments to other Acts	21
32	Repeals	21

An Act to consolidate and amend the law relating to walkways in New Zealand

1 Short Title

This Act may be cited as the New Zealand Walkways Act 1990.

2 Interpretation

In this Act, unless the context otherwise requires,—

Administering authority means any Minister of the Crown, department of State, local authority, or public body who or which owns, controls, or administers any public land

Board means a Conservation Board established under section 6L of the Conservation Act 1987

Conservation Authority means the New Zealand Conservation Authority established under section 6A of the Conservation Act 1987

Controlling authority means a controlling authority that is appointed under section 11 of this Act or is deemed to be such under that section

Director-General means the Director-General of Conservation

Firearm means any gun, rifle, or air gun; and includes any kind of weapon or device from which any shot, bullet, arrow, stone, or other missile can be discharged

Horse includes any horse, mule, donkey, or ass

Land district means a land district constituted under the Land Act 1948

local authority means a local authority within the meaning of the Local Government Act 2002

Local authority: this definition was substituted, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). See sections 273 to 314 of that Act as to the savings and transitional provisions.

Minister means the Minister of Conservation

Motor vehicle has the same meaning as in the Land Transport Act 1998

Motor vehicle: this definition was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110) by substituting the words “the Land Transport Act 1998” for the words “the Transport Act 1962”.

Private land means—

- (a) Any land (other than unformed legal road) that is for the time being held in fee simple by any person other than the Crown:
- (b) Any Maori land within the meaning of the Te Ture Whenua Maori Act 1993:

- (c) Any land (other than unformed legal road) held by a person under a lease or licence granted to that person by the Crown:

The reference to the Maori Affairs Act 1953 was repealed, as from 1 July 1993, by section 362(2) Te Ture Whenua Maori Act 1993 (1993 No 4).

Public land means any land that is not private land

Ranger means a ranger by virtue of, or appointed under, section 13 of this Act

Statutory body means a body the accounts of which are required by any Act to be audited by the Audit Office

Walkway means an area of land that has been declared to be a walkway under section 6 of this Act or an area of land over which a walkway has been established under section 8 of this Act.

Compare: 1975 No 31 s 2; 1977 No 166 s 2; 1987 No 65 s 65(1)

3 General purpose of Act

- (1) It is hereby declared that the provisions of this Act shall have the aim of establishing walking tracks over public and private land so that the people of New Zealand shall have safe, unimpeded foot access to the countryside for the benefit of physical recreation as well as for the enjoyment of the outdoor environment and the natural and pastoral beauty and historical and cultural qualities of the areas they pass through.
- (2) It is hereby further declared that, having regard to the general aim specified in subsection (1) of this section, walkways shall be so established and administered that the rights of property owners, both public and private, shall be fully respected and that the rights of public access created by this Act shall be for walking purposes only unless otherwise provided for in respect of any particular walkway or part of a walkway.

Compare: 1975 No 31 s 3

4 General policy

- (1) The Minister may adopt statements of general policy for the implementation of this Act in any area or areas; and may from time to time amend any such statement in the light of changing circumstances or increased knowledge.

- (2) Nothing in any such general policy shall derogate from any provision in this Act or any other Act.
- (3) For the purposes of this section, sections 17B(3), 17B(4), and 17N of the Conservation Act 1987 shall, with any necessary modifications, apply with respect to such general policies.

5 Powers of Director-General

- (1) The Director-General shall have all such powers as may be reasonably necessary or expedient to enable the Director-General to carry out his or her functions under this Act.
- (2) Without limiting the generality of subsection (1) of this section, the Director-General may—
 - (a) Provide for the establishment of camping grounds, huts, hostels, accommodation houses, and other facilities and amenities on walkways:
 - (b) Make such arrangements as the Director-General considers necessary to make a walkway accessible to the public under proper conditions:
 - (c) Approve charges for the use of facilities and amenities on walkways:
 - (d) Promote, supervise, and control activities by committees appointed by the Director-General or by organisations approved by the Director-General for the establishment or enjoyment of walkways by the public.

Compare: 1975 No 31 s 11

Establishment of walkways

6 Walkways over public land

- (1) If a Conservation Board, after consultation with the administering authority of any public land within the Board's area of jurisdiction, considers that all or part of any public land should be made available for use by the public as a walkway for recreational purposes, it may recommend to the Minister that all or part of that public land be declared a walkway.
- (2) On receiving a recommendation under subsection (1) of this section, the Minister may, with the written consent of the administering authority of the land to which the recommendation

- relates, by notice in the *Gazette* declare that land to be a walkway, and by the same or a subsequent notice shall assign a distinctive name to the walkway.
- (3) In every case where the land to which the recommendation relates includes unformed legal road the prior consent of the local authority shall be obtained, and the following provisions shall apply in relation to such consent:
- (a) The local authority shall consult with every owner of land having a legal frontage or access to the unformed legal road before giving its consent:
- (b) Every owner of such land shall retain the right to use the unformed legal road.
- (4) Where any consent under subsection (3) of this section is obtained subject to conditions as to the use of unformed legal road, the Minister shall specify in the notice the conditions under which it may be used.
- (5) A copy of every notice under this section declaring land to be a walkway shall, if it relates to land subject to the Land Transfer Act 1952, be lodged with the District Land Registrar who shall without fee enter the particulars of the notice on every certificate of title, provisional register, or other registered instrument of title affected by the notice.
- (6) In this section, unless the context otherwise requires, **owner**, in relation to any land, includes any person who is in occupation of the land under any lease, sublease, or licence, or any renewal thereof, granted by the owner of the fee simple, or the lessee, of the land (other than a weekly or monthly tenancy agreement); and also includes a tenant for life of the land and a beneficial owner of land.

Compare: 1975 No 31 s 20; 1977 No 166 s 3

7 **Conflict with other Acts**

Where conflict appears between any provision in this Act and any provision in any other Act relating to the administration or control of public land, the provision in the other Act shall prevail.

Compare: 1975 No 31 s 21

8 Walkways over private land

- (1) If a Conservation Board, after consultation with the owner and occupier of any private land within the Board's area of jurisdiction, considers that any part of the land should be made available for use by the public as a walkway for recreational purposes, it may request the Director-General to treat and agree in the name and on behalf of the Crown for the purchase or gift of an easement over the land or for the leasing of that land to enable the land to be used for a walkway.
- (2) Where it is proposed to carry out consultations and negotiations under subsection (1) of this section in respect of Maori land, the Director-General shall apply to the Maori Land Court pursuant to section 307 of the Maori Affairs Act 1953 for the summoning of a meeting of assembled owners.
- (3) For the purposes of subsection (1) of this section, the Director-General may, in the name of and on behalf of the Crown, enter into any contracts and deeds on such terms as the Director-General thinks fit, and execute all deeds, instruments, and other documents and do all acts necessary for the purchase of or receipt of a gift of any easement over the land or for the leasing of that land.
- (4) A copy of every easement or lease acquired by the Crown under this section shall be lodged with the appropriate District Land Registrar who shall without fee register the easement or lease on every certificate of title, provisional register, or other registered instrument of title affected by the easement or lease.
- (5) The purchase price or other consideration for any lease or easement acquired under this section shall be paid out of money appropriated by Parliament for the purpose.
- (6) Where any lease of or easement over any land is obtained and registered under this section the Minister shall, as soon as the land is suitable for use as a walkway, by notice in the *Gazette* declare that a walkway has been established over the land, and by the same or a subsequent notice assign a distinctive name to the walkway.
- (7) Where any lease of or easement over any land is obtained under this section subject to any conditions as to use, the Min-

ister shall specify in the notice the conditions under which it may be used.

- (8) Where, pursuant to this section, land is leased to the Crown or an easement is obtained over land,—
- (a) The land may be defined on a plan in accordance with regulations made under the Survey Act 1986 but, unless the Chief Surveyor otherwise directs, it shall be necessary to define only 1 side boundary of the walkway; or
 - (b) The lease or easement shall be accompanied by a certificate given by the Surveyor-General, or the Chief Surveyor of the land district in which the land is situated, to the effect that the land is adequately described and properly defined—
 - (i) For the nature of the walkway; and
 - (ii) In relation to existing surveys made in accordance with regulations for the time being in force under the Survey Act 1986 for the purpose; and
 - (iii) In accordance with standards agreed from time to time by the Director-General and either the Surveyor-General or the Chief Surveyor, as the case may be.

Compare: 1975 No 31 s 22; 1976 No 110 s 2; 1987 No 65 s 65(1)

Subsection (8) was substituted, as from 25 November 1994, by section 2 New Zealand Walkways Amendment Act 1994 (1994 No 115). See section 3 of that Act as to the savings provisions.

9 Rights of public in respect of walkways

Subject to the provisions of this Act and of any regulations made under this Act, and subject to any conditions specified under section 8(7) of this Act, every member of the public may without charge at any time pass or repass on foot over any walkway.

Compare: 1975 No 31 s 23

10 Limitation of liability of occupiers

No occupier of any land that is a walkway shall be in any way liable under the Occupiers' Liability Act 1962, or under any rules of the common law referred to in section 3 of that Act, to any other person for any damage or loss to or of any personal

property of that other person while that other person is on the walkway unless the damage or loss is caused by reason of any deliberate acts or omissions of the occupier.

Compare: 1975 No 31 s 24

Administration of walkways

11 Appointment of controlling authorities

- (1) Subject to subsection (2) of this section, the Minister, may from time to time appoint any department of State, any local authority, or any other statutory body to be the controlling authority of any walkway or part of a walkway, and may at any time review any such appointment and revoke it if the Minister thinks fit.
- (2) A local authority may be appointed to be the controlling authority of a walkway or part of a walkway notwithstanding that the walkway or part of the walkway is situated outside its district.
- (3) If any walkway or part of a walkway has been declared over public land under section 6 of this Act, the administering authority of that land shall, without further appointment under this section, be deemed to be the controlling authority for the purposes of this Act, unless the administering authority does not wish to be deemed to be the controlling authority in which case the Minister may appoint another controlling authority under subsection (1) of this section or become the controlling authority under subsection (4) of this section.
- (4) If no controlling authority has been appointed under subsection (1) or subsection (3) of this section, the Minister shall be deemed to be the controlling authority for the purposes of this Act.

Compare: 1975 No 31 s 26

12 Functions and powers of controlling authorities

- (1) Every controlling authority of a walkway shall be responsible to the Minister, in accordance with this Act,—
 - (a) For identifying the line of the walkway for members of the public by the placement of poles, markers, or other suitable indicators; and

- (b) For the erection and maintenance of such stiles and fences as may be necessary to enable members of the public to use the walkway, and to provide for the proper control of its use by such persons; and
 - (c) For the erection and maintenance at all points of entrance to the walkway, and at such other places on the walkway as it thinks fit, of notices warning members of the public who use the walkway not to trespass on any land beyond the walkway; and
 - (d) For the general promotion of and maintenance and control of the walkway for the pleasure, safety, and welfare of the public.
- (2) Every controlling authority shall have all such powers as may be reasonably necessary or expedient to enable it to carry out its functions.
- (3) Without limiting the generality of the powers of a controlling authority under subsection (2) of this section, each controlling authority may—
- (a) Develop, improve, and maintain the walkways under its control:
 - (b) Establish on or adjacent to such walkways such camping grounds, huts, hostels, accommodation houses, and other facilities and amenities, as are approved by the Minister:
 - (c) Make such charges as the Minister approves for the use of facilities and amenities on such walkways.

Compare: 1975 No 31 s 27

13 Rangers

- (1) Every person who is a member of the Police or a ranger appointed under section 38(1) of the Wildlife Act 1953 or section 8(1) of the Reserves Act 1977 or section 40(1) of the National Parks Act 1980, or a warranted officer under the Conservation Act 1987, shall be deemed to be a ranger for the purposes of this Act; but, where such a person has been so appointed in respect of part of New Zealand only, the person shall be deemed to have been appointed a ranger only for that part.
- (2) The Director-General may from time to time appoint to be a ranger for the purposes of this Act—

- (a) An officer of the Department of Conservation:
 - (b) An officer of a controlling authority, on the recommendation of the controlling authority.
- (3) The Director-General may from time to time appoint any suitable person to be a ranger in an honorary capacity for the purposes of this Act.
- (4) Any officer of a controlling authority who is appointed to be a ranger shall be a ranger only for walkways under the control of that authority.
- (5) Subject to subsection (4) of this section, a ranger may be appointed under subsection (2) or subsection (3) of this section to perform duties in respect of a particular walkway or of walkways in a particular land district or to perform duties generally throughout New Zealand.
- (6) Every ranger appointed under this section shall hold office during the pleasure of the Director-General.
- (7) Every ranger appointed under this section shall be supplied with a written warrant evidencing that person's appointment signed by or on behalf of the Director-General. The production of any such warrant shall be sufficient proof of the appointment.
- (8) Every ranger appointed under this section shall, on relinquishing office, surrender to the Director-General that person's warrant of appointment and any badge of office that may have been issued to that person.

Compare: 1975 No 31 s 28; 1987 No 117 s 11(1)

14 Obstructing ranger, etc

Every person commits an offence who—

- (a) Personates or falsely pretends to be a ranger:
- (b) Wilfully obstructs, hinders, or deceives, or wilfully causes to be obstructed, hindered, or deceived, any ranger while the ranger is exercising or performing any power, function, or duty under this Act.

Compare: 1975 No 31 s 29

15 Finance

- (1) Except as otherwise provided in this Act, money required for—
- (a) The establishment, administration, control, maintenance, and improvement of walkways; and
 - (b) The discharge of any liability for damage to property incurred in respect of—
 - (i) A walkway; or
 - (ii) Any land that is available for public use as if it were a walkway, before it is gazetted as such, and is the subject of an agreement made pursuant to section 8(1) of this Act—
- shall be paid out of money appropriated by Parliament for the purpose.
- (2) The Director-General shall approve the manner in which money appropriated by Parliament for the establishment, administration, control, maintenance, and improvement of walkways should be utilised.

Compare: 1975 No 31 ss 10(1)(b), 30; 1980 No 126 s 3(1); 1987 No 65 s 65(1)

16 Minister may authorise expenditure of money on land that is not a walkway

- (1) Notwithstanding anything to the contrary in this Act, a controlling authority which is a department of State, with the prior consent of the Minister, may determine that any money received by it under this Act shall be expended for the purpose of developing, maintaining, protecting, improving, administering, and publicising any land that is not a walkway, if the owner or administering authority, and the occupier, of the land have—
- (a) Agreed to the land being used as if it were a walkway; and
 - (b) Consented to the expenditure of money for those purposes.
- (2) Any agreement made under subsection (1) of this section may provide for the payment by the controlling authority of all or part of the reasonable legal expenses incurred by the owner, administering authority, or occupier in connection with the agreement, and for the payment of a reasonable sum, whether

by way of an annual fee or otherwise, for the use of the land in accordance with the agreement.

Compare: 1975 No 31 s 30A; 1982 No 87 s 2

17 Funds for controlling authorities

- (1) The Minister may from time to time, out of money appropriated by Parliament for the purpose, make grants to any controlling authority that is not a department of State to enable it to discharge its duties under this Act and to meet any liability for damage to property incurred in respect of a walkway.
- (2) Any administering authority that is also a controlling authority by virtue of section 11(3) of this Act may expend such sum or sums of money as it thinks fit in the discharge of its duties under this Act in respect of any walkway or part of a walkway that it controls.
- (3) Any local authority may—
 - (a) If it is the controlling authority of a walkway or part of a walkway, expend such sum or sums of money as it thinks fit in the discharge of its duties under this Act in respect of the walkway or part of the walkway; or
 - (b) In any other case, make grants of such sum or sums of money as it thinks fit to the controlling authority of any walkway or part of a walkway, whether the walkway or part is situated within or outside its district, to assist the controlling authority to discharge its duties under this Act.

Compare: 1975 No 31 s 31; 1978 No 116 s 2(2)

18 Grants and gifts

- (1) Any person or body may, unless prohibited from doing so by any Act or instrument of trust, make to the Director-General a grant or gift of money for specified or general purposes of this Act; and the Director-General may accept any such grant or gift for those purposes.
- (2) All money received by the Director-General under subsection (1) of this section shall be paid into the Trust Bank Account established under section 67 of the Public Finance Act 1989 and known as the Department of Conservation Grants and Gifts Trust Account, and shall be applied, without further appropri-

ation than this subsection, to the purposes for which the grant or gift was made.

Compare: 1975 No 31 s 32

General provisions

19 Powers of rangers

- (1) Any ranger may without further warrant or authority other than this section summarily interfere to prevent any actual or attempted breach of this Act.
- (2) Subject to subsection (3) of this section, if any person is found offending against this Act, it shall be lawful for any ranger to require the offender forthwith to desist from the offence and to demand from that person his or her first name, surname, and residential address. If there are reasonable grounds to suppose that any particulars so given by that person are false, the ranger demanding the particulars may require that person to supply satisfactory evidence of the correctness of the particulars given.
- (3) Before making any requirement or demand under subsection (2) of this section, the ranger shall identify himself or herself to the offender.
- (4) If the offender, after being so required, fails to give his or her first name, surname, or residential address, or gives a false name or address, or supplies any false evidence in respect thereof, or wilfully continues the offence, that person commits a further offence against this Act.

Compare: 1975 No 31 s 35

20 Regulations

- (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:
 - (a) Providing for the maintenance of good order on walkways:
 - (b) Providing for the conditions under which the public may enter, remain on, or use any walkway:
 - (c) Prescribing conditions applying and charges payable in respect of the use of facilities on any walkway:

- (d) Providing for such other matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.
- (2) Any regulations made under this section may apply generally throughout New Zealand or may be made to apply only within such area or areas or to such walkway or part of a walkway as may be specified in the regulations.
- (3) Every person who acts in contravention of or fails to comply with any provision of any regulations made under this Act commits an offence and shall be liable on summary conviction to a fine not exceeding \$200.

Compare: 1975 No 31 s 36

21 Bylaws

- (1) Any controlling authority that is not a department of State may from time to time make bylaws, not inconsistent with this Act or with any regulations for the time being in force under this Act, for all or any of the following purposes:
 - (a) Providing for the maintenance of good order on walkways:
 - (b) Providing for the conditions under which the public may enter, remain on, or use any walkway.
- (2) All such bylaws shall be made by resolution of the controlling authority and shall be signed by the chairperson and one other member of the controlling authority.
- (3) Any bylaw made under this section shall apply to such walkway or part of a walkway as may be specified in the bylaw, being a walkway or part of a walkway in respect of which the controlling authority has jurisdiction under this Act.
- (4) Notwithstanding anything to the contrary in this Act, the controlling authority shall not delegate the power conferred on it by subsection (1) of this section.
- (5) Every person who acts in contravention of or fails to comply with any provision of any bylaw for the time being in force under this Act commits an offence and shall be liable on summary conviction to a fine not exceeding \$100.

Compare: 1975 No 31 s 37

22 Bylaws to be approved by Minister

- (1) No bylaw made under section 21 of this Act shall have any force or effect until it has been approved by the Minister and published in the *Gazette*.
- (2) The publication in the *Gazette* of any bylaw purporting to have been made by a controlling authority and to have been approved by the Minister shall be sufficient evidence in the absence of proof to the contrary that it has been duly made and approved under this Act.

Compare: 1975 No 31 s 38

23 Offences

- (1) Subject to subsections (2) and (3) of this section, every person commits an offence against this Act who without lawful authority—
 - (a) Carries any firearm on or within 100 metres of a walkway; or
 - (b) Lights any fire on a walkway other than in a fireplace provided by the controlling authority or fails to extinguish any fire lit by that person on a walkway before leaving it; or
 - (c) Takes, rides, or has charge of any horse on a walkway; or
 - (d) Takes or has charge of any dog on a walkway; or
 - (e) Takes, drives, or has charge or control of any motor vehicle on a walkway; or
 - (f) Enters or remains on any walkway or part of a walkway that is for the time being closed under section 28 of this Act; or
 - (g) Discharges or shoots any firearm across or on or within 100 metres of a walkway; or
 - (h) Wilfully damages or removes any crop, pasture, tree or plant (other than a plant which is a noxious weed in the district or area within which the walkway is situated) growing on or adjacent to a walkway; or
 - (i) Lays any poison or sets any snare or trap on or adjacent to a walkway; or
 - (j) Wilfully damages or interferes with any pole, marker, indicator, stile, fence, gate, bridge, shelter, notice, or

- other amenity on or adjacent to any walkway, or at any entrance to a walkway; or
- (k) Wilfully damages or interferes with any fence, gate, machinery, vehicle, equipment, building, or other structure situated on property adjacent to a walkway; or
 - (l) Wilfully interferes with or disturbs any livestock depasturing on or adjacent to a walkway; or
 - (m) Wilfully interferes with or disturbs any wildlife, within the meaning of the Wildlife Act 1953, on or adjacent to a walkway; or
 - (n) Wilfully endangers, disturbs, or annoys any user of a walkway.
- (2) No person shall be guilty of an offence by reason of doing any of the things specified in subsection (1) of this section on a walkway or part of a walkway specified in any regulations made under this Act, if the doing of that thing is permitted by the provisions of those regulations on the specified walkway or part of a walkway.
- (3) No person shall be guilty of an offence by reason of doing any of the things specified in paragraphs (a) to (i) of subsection (1) of this section on or adjacent to a walkway if—
- (a) That person was at the time the owner or occupier of the land on which the walkway is situated; or
 - (b) That person did that thing with the permission of any such owner or occupier.
- (4) It shall be a defence to a charge under this section if the defendant proves that it was necessary for the defendant to commit the offence for the defendant's own safety or protection or for the safety or protection of some other person, or because of some emergency involving the defendant's property or the property of some other person.
- (5) Where an act or omission constitutes an offence under this Act and under any other Act, the offender may be prosecuted and convicted under this Act or under any one of those other Acts.
- (6) No person shall be liable to be prosecuted more than once in respect of the same offence.

Compare: 1975 No 31 s 39; 1978 No 116 s 3

24 Trespass on private land from walkway with firearm or dog

- (1) Every person commits an offence who, being in possession of a firearm or having charge of any dog, leaves a walkway and goes on to any adjacent private land or allows the dog to go onto such land, without the authority of the occupier or other lawful authority.
- (2) It shall be a defence to a charge under this section if the defendant proves that—
 - (a) The defendant did not go on to the land from the walkway; or
 - (b) It was necessary for the defendant to go on to the land for the defendant's own safety or protection or for the safety or protection of some other person, or because of some emergency involving the defendant's property or the property of some other person.

Compare: 1975 No 31 s 40

25 Proceedings in respect of offences

- (1) An information in respect of an offence against this Act shall be laid by—
 - (a) The Director-General or his or her nominee; or
 - (b) The Chairperson of the Board for the area in which the offence is alleged to have been committed, or any person appointed in writing in that behalf by the controlling authority of the walkway or part of a walkway in respect of which the offence is alleged to have been committed.
- (2) Any appointment under subsection (1) of this section may be for the purpose of laying an information in respect of a particular offence, or may be a general appointment to lay informations in respect of offences generally.
- (3) Any officer or employee of a Board or controlling authority, although not the informant, may appear and conduct the prosecution in all proceedings for offences against this Act.
- (4) Any officer or employee of the Department of Conservation, although not the informant, may appear and conduct the prosecution in all proceedings for offences against this Act.

Compare: 1975 No 31 s 43; 1987 No 65 s 65(1)

26 General penalty for offences

Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section shall be liable on summary conviction to a fine not exceeding \$500.

Compare: 1975 No 31 s 41

27 Time within which information may be laid

Notwithstanding anything in the Summary Proceedings Act 1957, any information in respect of any offence against this Act may be laid at any time within 12 months from the time of the discovery of the offence.

Compare: 1975 No 31 s 42

28 Closure of walkways

(1) Every controlling authority—

- (a) May close any walkway or part of a walkway under its control for reasons of safety or during emergencies, or for the purpose of maintenance or development work:
- (b) May close any such walkway or any part of such a walkway, at the request of the occupier of the adjacent land:
- (c) Shall close any such walkway or any part of such walkway established over private land in order to comply with any condition as to use to which the establishment of the walkway is subject—

for such period as the controlling authority considers necessary or as may be necessary to comply with the condition as to use, as the case may be.

(2) Any closure under subsection (1) of this section shall be notified to the public by signs erected at all entry points to the walkway or part of a walkway which is closed, and such signs shall specify the period or periods during which the walkway is to be closed and shall also specify that it is an offence to enter the walkway during the period of closure.

(3) Any closure under subsection (1) of this section shall as soon as practicable be notified by at least 1 notice in a newspaper circulating in the district in which the walkway or part of the walkway is situated, but the validity of the closure shall not be open to question merely on the ground that such notice was

published too late or not published at all. Every such notice shall specify that it is an offence to enter the walkway during the period of closure.

- (4) Any signs erected under subsection (2) of this section and any notices published under subsection (3) of this section shall, if possible, give reasons for the closure.
- (5) If any controlling authority closes a walkway or part of a walkway under this section it shall immediately notify the Director-General and the Board having jurisdiction in the area in which the walkway or part of the walkway is situated.

Compare: 1975 No 31 s 46

29 Revocation of notices declaring walkways

- (1) The Minister may, on the recommendation of the Board having jurisdiction in the area in which the walkway is situated, by notice in the *Gazette*, revoke in whole or in part any declaration made under section 6 or section 8 of this Act.
- (2) Every such notice shall take effect on a date specified in the notice or, if no date is specified, on the date on which it is gazetted.
- (3) A copy of every notice revoking a declaration made under section 6 of this Act shall, if it relates to land subject to the Land Transfer Act 1952, be lodged with the District Land Registrar who shall without fee enter the particulars of the notice on every certificate of title, provisional register, or other instrument of title registered or lodged in his or her office and affected by the notice.
- (4) If a declaration made under section 8 of this Act is revoked under this section, the Director-General shall in the name of and on behalf of the Crown execute all deeds, instruments, and other documents and do all acts necessary for the release or partial release of the appropriate easement or the surrender or partial surrender of the appropriate lease, as the case may require.

Compare: 1975 No 31 s 47

29A Control of dogs

Nothing in this Act derogates from the provisions of Part 5C of the Conservation Act 1987, which provides for the control of dogs and which authorises the declaration as either a **controlled dog area** or an **open dog area** of any part or parts of any walkway controlled and administered under this Act by the Minister or the Department of Conservation.

This section was inserted, as from 2 May 1996, by section 10 Conservation Amendment Act (No 2) 1996 (1996 No 14).

30 Commission and District Walkway Committees abolished

The New Zealand Walkway Commission and every District Walkway Committee established under the New Zealand Walkways Act 1975 are hereby abolished.

31 Amendments to other Acts

- (1) The Conservation Act 1987 is hereby amended by omitting from Schedule 1 the item “The New Zealand Walkways Act 1975”, and substituting the item “The New Zealand Walkways Act 1990”.
- (2) The State-Owned Enterprises Amendment Act 1987 is hereby amended by repealing so much of Part A of Schedule 1 as relates to the New Zealand Walkways Act 1975.

32 Repeals

- (1) The following enactments are hereby repealed:
 - (a) The New Zealand Walkways Act 1975:
 - (b) The New Zealand Walkways Amendment Act 1976:
 - (c) The New Zealand Walkways Amendment Act 1977:
 - (d) The New Zealand Walkways Amendment Act 1978:
 - (e) The New Zealand Walkways Amendment Act 1980:
 - (f) The New Zealand Walkways Amendment Act 1982:
 - (g) The New Zealand Walkways Amendment Act 1985:
 - (h) Section 40(2)(b) of the Sport, Fitness, and Leisure Act 1987:
 - (i) The New Zealand Walkways Amendment Act 1988.
- (2) Notwithstanding subsection (1) of this section, the New Zealand Walkway Commission shall, as soon as practicable, prepare and submit to the Minister a report as to its operations

for the period commencing on the 1st day of April 1989 and ending with the commencement of this Act.

- (3) All proceedings pending by or against the New Zealand Walkway Commission immediately before the commencement of this Act may be carried on, completed, and enforced by or against the Director-General.

The words "Sport, Fitness, and Leisure" were substituted, as from 1 July 1992, for the words "Recreation and Sport" by section 2(1) Sport, Fitness and Leisure Amendment Act 1992 (1992 No 18).

Walking Access Act 2008

Public Act 2008 No 101
Date of assent
Commencement see section 2

1 Title

This Act is the Walking Access Act 2008.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 4

Compliance, enforcement, and miscellaneous provisions

Subpart 3—Miscellaneous provisions

Transitional provisions

72 Existing controlling authorities of walkways to continue

- (1) An entity that, immediately before the commencement of this Act, is a controlling authority appointed under section 11 of the New Zealand Walkways Act 1990 is to be treated as a controlling authority appointed under section 35 of this Act.
- (2) If an administering authority or the Minister of Conservation is, immediately before the commencement of this Act, still deemed to be a controlling authority under section 11(3) or (4) of the New Zealand Walkways Act 1990, the administering authority or the Minister is to be treated as having become a controlling authority under section 36 of this Act.

73 Easements, leases, and agreements to vest in Commission

- (1) On the commencement of this Act, all easements, leases, and agreements entered into for the purposes of the New Zealand Walkways Act 1990 and in existence immediately before the commencement of this Act vest in the Commission.
- (2) If an enactment provides for an easement to be granted or provided to the Crown under the New Zealand Walkways Act

1990, and the easement has not been granted or provided on the commencement of this Act, it must instead be granted or provided to the Commission as grantee.

- (3) However, the Crown and the Commission are, together and separately, subject to any obligation or liability to which—
 - (a) the Crown was subject, immediately before the commencement of this Act, under an easement, lease, or agreement referred to in subsection (1); and
 - (b) the Commission is subject under an easement referred to in subsection (2) when that easement is granted or provided to the Commission.
- (4) The Crown is not in breach of any obligation referred to in subsection (3) as long as it takes all reasonable steps to satisfy the obligation.
- (5) Subsections (1) and (2) have effect whether or not any enactment, deed, or agreement permits, or requires consent to, those matters.
- (6) This section is subject to section 74.

74 Agreements made under New Zealand Walkways Act 1990

- (1) This section applies to all agreements—
 - (a) made under section 16(1)(a) of the New Zealand Walkways Act 1990; and
 - (b) that were in existence immediately before the commencement of this Act.
- (2) The agreements referred to in subsection (1) are administered by the Minister of Conservation.

75 Grants and gifts to Commission

- (1) All money received under section 18 of the New Zealand Walkways Act 1990 and held in the Department of Conservation Grants and Gifts Trust Account (a Trust Bank Account established under section 67 of the Public Finance Act 1989) immediately before the commencement of this Act—
 - (a) vests in the Commission; and
 - (b) must be applied for the purposes for which the money was granted or gifted.

- (2) The vesting referred to in subsection (1)(a) occurs on the commencement of this Act.

76 Liability of Commission

- (1) The Commission is not liable for acts or omissions of any person under the New Zealand Walkways Act 1990.
- (2) However, a proceeding commenced under the New Zealand Walkways Act 1990 that, immediately before the commencement of this Act, is pending by or against the Director-General of Conservation may be carried on, completed, or enforced by or against the Director-General of Conservation as if that Act had not been repealed.
-

Contents

- 1 General
 - 2 About this eprint
 - 3 List of amendments incorporated in this eprint (most recent first)
-

Notes**1 General**

This is an eprint of the New Zealand Walkways Act 1990. It incorporates all the amendments to the New Zealand Walkways Act 1990 as at 30 September 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

3 List of amendments incorporated in this eprint (most recent first)

Walking Access Act 2008 (2008 No 101): section 81
