

The Nature Photographer's Code of Practice.

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Introduction

There is one hard and fast, whose spirit must be observed at all times. The welfare of the subject is more important than the photograph.

This is not to say that photography should not be undertaken because of a slight risk to a common species. The amount of risk acceptable decreases with the scarceness of the species, and the photographer should do his utmost to minimise it.

Risk to the subject, in this context, means risk of physical damage, causing anxiety, consequential predation, or lessened reproductive success.

The Law as it affects nature photography must be observed. For Great Britain the main legislation is listed at the end of this leaflet. In other countries one should find out in advance any restrictions that apply. Apparently lax (or absence of) local legislation should not lead photographers to relax their own high standards.

General

The photographer should be familiar with the natural history of the subject: the more complex the life-form and the rarer the species, the greater his knowledge must be. He should also be sufficiently familiar with other natural history subjects to be able to avoid damaging their interests accidentally. Photography of uncommon animals and plants by people who know nothing of the hazards to species and site is to be deplored.

For many subjects some 'gardening' (i.e. interference with the surrounding vegetation) may be necessary to tidy the habitat, or move obscuring vegetation. This should be kept to a minimum to avoid exposing the subject to predators, people, or weather. Plants or branches should be tied back rather than cut off, and the site should be restored to as natural condition as possible after each photographic session. The photographer should always aim to leave no obvious sign of his visit. If the photograph of a rarity is to be published or exhibited, care should be taken that the site location is not accidentally given away. Sites of rarities should never deliberately be disclosed except for conservation purposes.

It is important that practitioners observe normal social courtesies. Permission should be obtained before working on private land. Work at sites and colonies which are subjects of special study should be co-ordinated with the people concerned.

Photographs of dead, stuffed, homebred, captive, cultivated, or otherwise controlled specimens may be of genuine value but should never be passed off as wild and free.

Users of such photographs (irrespective of the purpose it is thought that they will be used for) should always be informed, however unlikely it may seem that they care.

Birds at the Nest

The terms of the Wildlife and Countryside Act must be observed and licences obtained to photograph Schedule 1 species from Scottish Natural Heritage

It is particularly important that photography of birds at the nest should be undertaken only by those with a good knowledge of bird breeding behaviour. There are many otherwise competent photographers (and bird watchers) who lack this qualification.

It is highly desirable that a scarce species should be photographed only in an area where it is relatively frequent. Many British rarities, should, for preference, be photographed in countries overseas where they are commoner. Photographers working abroad should of course act with the same care as they would at home.

A hide should always be used when there is a reasonable doubt that birds would continue normal breeding behaviour otherwise. No part of the occupant (e.g. hands adjusting lens-settings, or a silhouette through inadequate material) should be visible from the outside of the hide.

Hides should not be erected at a nest site where the attention of the public or any predator is likely to be attracted. If there is any risk of this an assistant should be in the vicinity to shepherd away potential intruders. No hide should be left unattended in daylight in a place with common public access.

Tracks to and from any nest should be devious and inconspicuous. As far as possible they (like the 'gardening') should be restored to naturalness between sessions.

Though reported nest failures attributable to nest photography are few, a high proportion of those that occur are due to undue haste. The maximum possible time should elapse between consecutive stages of hide movement (or erection), introduction of lens or flash-gear, gardening and occupation. There are many species which need at least a week's preparation, this should be seen as the norm.

Each stage of preparation should be fully accepted by the bird (or both birds, where feeding or incubation is shared) before the next is initiated. If a stage is refused by the birds (which should be evident from their behaviour to a competent bird photographer) the procedure should be reversed at least one stage; if refusal is repeated the attempt at photography should be abandoned.

In some conditions it may be necessary to use a marker in the locality of the nest hole to indicate its occupancy. This type of disturbance should be kept to a minimum.

The period of disturbance caused by each stage should be kept to a minimum. It is undesirable to initiate a stage in late evening when the birds' activities are becoming less frequent.

Remote-control work where acceptance cannot be checked is rarely satisfactory. Where it involves resetting a shutter, or moving film on manually between exposures it is even less likely to be acceptable because of the frequency of disturbance.

While the best photographs are often obtained about the time of hatch this is not the time to start erecting a hide - nor when eggs are fresh. It is better to wait until parents' reactions to the situation are firmly established.

There are few species for which a 'putter-in' and 'getter-out' are not necessary. Two or more may be needed for some species.

The birds' first visits to the nest after the hide is occupied are best used for checking routes and behaviour rather than for exposures. The quieter the shutter the less the chance of birds objecting to it. The longer the focal length of the lens used, the more distant the hide can be and the less risk of the birds not accepting it.

Changes of photographer in the hide (or any other disturbance) should be kept to a minimum and should not take place during bad weather (rain or exceptionally hot sun).

Nestlings or eggs should never be removed (it is illegal without a licence) from the nest for posed photography; when they are photographed in situ, care should be taken not to cause an 'explosion' of young from the nest. It is never permissible to artificially restrict the free movement of the young.

The trapping of breeding birds for studio-type photography is totally unacceptable in any circumstances and the trapping of any bird is illegal without a licence.

The use of playback tape (to stimulate territorial reactions) and the use of stuffed predators (to stimulate alarm reactions) may need caution in the breeding season, and should not be undertaken near the nest. Additionally the use of bait or song tapes to attract birds to the camera, even though this is away from the nest, should not be undertaken in an occupied breeding territory.

Mammal and Birds Away from the Nest

Predators should not be baited from a hide in an area where hides may later be used for photography of birds at the nest.

Wait and see photography should not be undertaken in an area where a hide may show irresponsible shooters and trappers that targets exist; this is particularly important overseas.

The capture of even non-breeding birds for photography under controlled conditions is not an acceptable or legal practice. Incidental photography of birds taken under licence for some valid scientific purpose is acceptable provided it caused minimal delay in the bird's release. If any extra delay is involved it would need to be covered by the terms of the licence.

Taking **small mammals** for photographic purposes is acceptable provided they are not breeding (either sex) and are released with minimum delay in their original habitats, but the practice is not recommended. It should be noted that a licence would be required to trap shrews. No attempt should be made to tame any animal so taken as it jeopardises their survival. Hibernating animals should never be awakened for photography.

Bats need special care. Disturbance at or near a breeding colony of any bat may cause desertion of an otherwise safe site; all bats are specially protected and none may be disturbed or photographed in a roost except with a licence from Scottish Natural Heritage. Bats are acutely sensitive to disturbance and there is evidence that important hibernation sites have been permanently deserted as a result of disturbance caused by photography. Licences to photograph are normally issued only to experienced bat workers.

Specially Protected Animals

Threatened species such as **Otters** and **Red Squirrels** are given full protection under Schedule 5 of the Wildlife and Countryside Act. The restrictions on photographing these species at their places of shelter, in these cases holts and dreys, are exactly the same as those for nesting birds. The Otter along with the Wildcat and Bats are also listed on Schedule 2 of The Conservation (Natural Habitats, &) Regulations 1994. Not all protected species have regular places of shelter; these include two reptiles, two amphibians and several very rare butterflies and moths. The best rule is “if in doubt, don’t”. For example, do not move objects in the habitat in search of smooth snakes to photograph.

No fully protected species may be taken from the wild without a licence, and taking means any form of capture including the use of butterfly nets.

Some further animals, included on Schedule 6 of the Act, are protected from trapping and these include **shrews, hedgehogs, and pine martens**. If you wish to trap these species in order to photograph them you must apply for a licence.

Other Animals

For cold-blooded animals and invertebrates, temporary removal from the wild to a studio or vivarium (or aquarium) for photography has been a widely accepted practice, but where practicable field photographs are to be preferred. If the subject is removed from the wild for photography it should be released as soon as possible in the original habitat.

It is illegal to take from the wild species listed on Schedule 5 of the Wildlife and Countryside Act, or take by means such as live-traps, species on Schedule 6. Insect photographers should be familiar with those species which may not be taken without a licence.

Chilling or anaesthesia for quietening invertebrates is not recommended. When microhabitats (e.g. tree-bark, beach rock, etc.) have been disturbed, they should be

restored after the photography. There should be no damage to habitat, any that does occur may be illegal on nature reserves or SSSI's, even if the landowner has given permission.

Plants

The comments in the general section about 'gardening' are particularly important for rare plants within reach of the public.

Photographers should be clear about existing legislation. It is an offence to uproot *any wild plant* without the permission of the landowner or his tenant. For over a hundred very threatened plants, including the rarest orchids, the law extends to picking, so any damage to surrounding vegetation, which may include young plants, must be avoided. If photography comes to be seen as a threat, rather than an aid to rare plant conservation, pressures may mount for more restrictive legislation such as giving protected plants at flowering time similar protection to that enjoyed by Schedule 1 birds at nesting time.

No rarity should be picked (still less dug up) for studio photography, or to facilitate the *in situ* photography of another specimen. Nor should any part of one be removed to facilitate the photography of another plant.

Legislation and Schedules

The photographer should be aware of the appropriate sections of the following and any subsequent updates :

Wildlife and Countryside Act 1981. The Wildlife (Northern Ireland) Order 1985.
Protection of Badgers Act 1992. The Butterfly Conservation Code.
Botanical Society of the British Isles (BSBI) list of rare plants and Code of Conduct
The RSPB leaflet 'Bird Photography and the Law'.
The Conservation (Natural Habitats, etc.) Regulations 1994

Address

Scottish Natural Heritage, 10 Henderson Road, Inverness, IV1 1AU.