

The Nature Photographers' Code of Practice

Produced by The Nature Group of The Royal Photographic Society.
Revised in 1997 and 2007 in consultation with the RSPB and the
three Statutory Nature Conservation Councils.



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Introduction

There is one hard and fast rule, whose spirit must be observed at all times:

“The welfare of the subject is more important than the photograph.”

- Photography should not be undertaken if it puts the subject at risk. Risk to the subject, in this context, means risk of disturbance, physical damage, causing anxiety, consequential predation, and lessened reproductive success.
- Photography may be seen as a criminal offence with relation to some species, since disturbance will be occasioned.
- Many species are afforded special legal protection. 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.
- Apparent lax or absence of local legislation should not lead any photographer to relax his/her own high standard.

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/ her knowledge must be. He/ she should also be sufficiently familiar with other natural history subjects to be able to avoid damaging their interests accidentally. Photography of uncommon creatures and plants by people who know nothing of the hazards to species and habitat is to be deplored.
- With reference to Sites of Special Scientific Interest (SSSIs): anyone who intentionally or recklessly destroys or damages any of the flora, fauna, geological or physio-graphical features by reason of which a site is of special interest, or intentionally or recklessly disturbs any of those fauna, is guilty of an offence and is liable on summary conviction to a fine.
- It is important for the good name of nature photography that its practitioners observe normal social courtesies. Permission should be obtained before working on private land and other naturalists should not be incommoded. Work at sites and colonies which are subjects of special study should be coordinated 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 for which it is thought they will be used) should always be informed, regardless of how little they may seem to care.





Birds at the nest

- The terms of the Wildlife and Countryside Act 1981¹ must be complied with at all times. It is an offence to recklessly or intentionally disturb a Schedule 1 species while it is building a nest, or is in, on or near a nest containing eggs or young; or to disturb the dependant young of such a species. In Scotland it is an offence to recklessly or intentionally disturb or harrass any Schedule 1A bird (ie White-tailed Eagle) or any Schedule 1 bird which leks (ie Capercaillie).
- A licence is necessary to photograph Schedule 1 birds in certain circumstances. Licences can be obtained from the appropriate Statutory Nature Conservation body - see addresses on back cover.
- Photography of birds at the nest should only be undertaken by those with a good knowledge of bird breeding behaviour. There are many competent photographers (and bird watchers) who lack this qualification.
- Scarce species should only be photographed in an area where they may be relatively frequent; it is therefore preferable to photograph British rarities overseas where they may be commoner. Photographers working abroad should exercise the same care as they would at home.
- A hide should always be used if there is a reasonable doubt that birds would continue normal breeding behaviour otherwise. No part of the occupant should be visible from the outside of the hide.
- Hides should not be erected where the attention of the public or a predator is likely to be attracted. If there is any such risk, an assistant should be in the vicinity to keep potential intruders away. No hide should be left unattended in daylight in a place with common public access.
- Visits to a site should be kept to a minimum to avoid damage to vegetation and the creation of new tracks or pathways. The site should be restored to naturalness between sessions.
- Reported nest failures due to nest photography are few, but a high proportion of those that occur are due to undue haste. The maximum possible time should elapse between stages of hide movement or erection, introduction of lens or flash equipment, gardening and occupation. Many species need preparation at least a week in advance; this should be seen as the norm. Each stage should be fully accepted by the bird (or birds, where feeding or incubation is shared) before the next stage 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 photography should be abandoned.

- 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. Resetting of a shutter or manually advancing film is even less likely to be acceptable because of the frequency of disturbance.
- While the best photographs are often obtained about the time of hatching this is not the time to start erecting a hide - nor when eggs are fresh. It is better to wait until the reactions of the parent birds to the situation are firmly established.
- 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.
- Nesting birds photographed from a hide can be put under pressure if too many photographers are waiting for 'their turn' in the hide. Each change of photographer causes fresh disturbance and should be avoided. Ideally two photographers working together should be the norm - two to enter the hide and one to leave, although more may be required for some species. Disturbance should always be kept to an absolute minimum and should never be caused during bad weather (rain or exceptionally hot sun).
- The trapping of breeding birds for studio-type photography is totally unacceptable in any circumstances and an offence³ under the WCA.
- It is an offence to remove nestlings or eggs from the nest for photography even on a temporary basis; when 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 use of playback tape or stuffed predators (to stimulate territorial or alarm reactions) should not be undertaken near the nest in the breeding season. 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. Use of such methods may be considered illegal with respect to Schedule 1 species.

Mammals 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 causes minimal delay to the bird's release. If any extra delay is involved it would need to be covered by the terms of the licence.
- Taking small mammals² for photographic purposes is not recommended. In exceptional cases where captivity is necessary it should only be carried out provided they are not breeding (either sex) and are released with minimum delay in their original habitat. No attempt should be made to tame any animal so taken as it jeopardizes their survival.
- Hibernating animals should never be awakened for photography.

Specially Protected Animals

- Threatened species such as Otters, Red Squirrels and Dormice are given full protection under Schedule 5 of the Wildlife and Countryside Act. The restrictions on photographing these species at their places of shelter are exactly the same as those for nesting birds. 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.
- 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 the appropriate Statutory Nature Conservation body (see back page). Bats are acutely sensitive to disturbance. 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.
- 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 need to trap these species in order to photograph them you must apply for a licence.
- Disturbance of any European protected species anywhere is an offence³ under the Habitat Regulations 1994.

Other Animals

- For cold-blooded animals and invertebrates, temporary removal from the wild to a studio or vivarium (or aquarium) for photography is not recommended, where practicable field photographs are to be preferred. **If a subject is removed from the wild for photography it should be released as soon as possible in its 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 should not be undertaken.
- When microhabitats (e.g. tree-bark, beach rocks, 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 SSSIs, even if the landowner has given permission.



³ Offences are punishable with a fine up to £5,000 and/or six months in prison.



Plants

- Photographers should be clear about existing legislation. It is an offence³ 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 ever 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.
- For some subjects (botanical/fungi/etc) some 'gardening' (i.e. tidying up of the surrounding vegetation) may be necessary. 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 restored to as natural a condition as possible after any photographic session. The aim should always be to leave no obvious signs of disturbance.
- If an image of a rarity is to be published or exhibited, care should be taken that the site location is not accidentally given away. Take care that your photograph does not contain any clues as to the whereabouts of the specimen; this is particularly important in wide-angle photographs. Sites of rarities should never deliberately be disclosed except for conservation purposes.





Fungi

- Other than a few very common species, it is rarely possible to identify fungi either in situ or from a photograph; a photograph of an unidentified or incorrectly identified species is of very limited value. Therefore it is usually necessary to collect a specimen after photographing them. This should be done with a knife rather than the fingers, taking care to collect the entire specimen including any base which may be immersed in the substrate. Notes should be made of the substrate (in particular for mycorrhizal genera) and any associated organisms, as this may aid identification.
- One of the first principles of collecting is to leave the environment as close as possible to the state in which it was found. Any logs which are rolled over should be returned to their original position.
- If working as a group, then only the most experienced mycologist should collect specimens as his analysis can later be communicated to the other photographers. He/she may need to collect five or six specimens of differing ages to enable a mycologist to make an accurate identification after microscopic analysis, and also have sufficient specimens left over to store in a herbarium for future reference. It may not be necessary to collect the entire specimen in the case of very large species, i.e. brackets, as a wedge taken from the side is often sufficient.
- Be aware that some public open spaces are subject to local by-laws that may prohibit collecting. Four species are legally protected from collection anywhere in England, Scotland and Wales, even for scientific purposes, by Schedule 8 of the Wildlife and Countryside Act 1981 (species covered are *Hericium erinaceum*, *Piptoporus quercinum*, *Boletus regius* and *Battarea phalloides*).



The Truth of the final Image

- A nature photograph should convey the essential truth of what the photographer saw at the time it was taken.
- No radical changes should be made to the original photograph, nor additions made from any source, whether during processing in the darkroom, or through digital/electronic manipulation. The removal of blemishes and/or distractions is permissible.

Legislation and Schedules

The photographer should be aware of the appropriate sections of the following, and any subsequent 'amendments':

- The Wildlife and Countryside Act 1981.
- The Wildlife (Northern Ireland) Order 1985.
- Protection of Badgers Act 1992.
- The Butterfly Society 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.
- The Countryside & Rights of Way Act 2000
- Natural Environment & Rural Communities Act 2006

For more information on the protection of species and habitats:

- The Royal Society for the Protection of Birds,
The Lodge, Sandy, Bedfordshire, SG19 2DL
www.rspb.org.uk
- Natural England,
1 East Parade, Sheffield, S1 2ET
www.naturalengland.org.uk
- Scottish Natural Heritage,
Great Glen House, Leachkin Road, Inverness, IV3 8NW
www.snh.org.uk
- Countryside Council for Wales,
Maes y Ffynnon, Penrhosgarnedd, Bangor, Gwynedd, LL57 2DW
www.ccw.gov.uk
- Partnership for Action against Wildlife Crime (PAW)/DEFRA
www.defra.gov.uk/paw/
- The Nature Group of The Royal Photographic Society,
c/o Fenton House, 122 Wells Road, Bath, BA2 3AH
www.thenaturegroup.org

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