

PHOTOGRAPHY AND THE LAW



An amateur photographer was arrested at lunchtime today while taking photographs of posters on a building in Hounslow, west London.

Photographers criminalised as police 'abuse' anti-terror laws
Fury as stop-and-search powers are used to block and confiscate legal pictures

NO LAW AGAINST TAKING PHOTOGRAPHS

- ◉ Many legal restrictions on the right to take a photo
- ◉ So the correct saying should be
'You're free to take photographs except where the law says otherwise'

PRIVATE PROPERTY

- Not normally any rights for property owner if photos taken from public place.
- No general restrictions if you have permission to be on property
- Owner can impose restrictions as a condition of entry....museums, concert venues etc.
- Rules of trespass apply if you have permission to enter property but restrictions apply and you take a photograph.

PHOTOGRAPHY IN CERTAIN PUBLIC PLACES

- Trafalgar Square
- Parliament Square
- Royal Parks



- Prohibition applies to photographs in connection with business or employment (fees are payable)
- Not tourist photographs

HARASSMENT & INVASION OF PRIVACY

- Harassment is usually behaviour that causes alarm or distress...a course of action...e.g. stalking or repeatedly thrusting a camera in their face.
- Use of long lens to photograph somebody in the home even from a public place is an invasion of privacy.
- More issues around the publication of rather than the taking of shot.
- Generally o.k. to take pictures of people at public events...remember the rules on model release.

OBSTRUCTION AND PUBLIC ORDER



- ◉ Criminal offence to obstruct free passage on roads, cycle paths or footpaths...e.g. setting up a tripod on a busy street.
- ◉ Obstructing police officer by photographing an incident and impeding them in the course of their duties
- ◉ Danger whilst shooting riots or demos that you could be confused with those taking part

CHILDREN



- Harassment, invasion of privacy and data protection applies equally to children as it does adults....but a child does not have legal right to consent, must be the parent or guardian.
- Criminal offence to take a indecent photo of a child under 18 or make an image appear so.
- Children under 16 cannot be used as paid models unless licence is granted by local council
- It is not illegal to photograph children in public places but it is advisable to get consent from their guardian.
- Many organisations as part of there own child protection policies restrict photography....so even if you are a relative best to check first



NATIONAL SECURITY

- Recent years more fears over security and terrorism.
- More photographers confronted by police when taking photos
- Two areas of law
 - > Official Secrets Act 1911
 - > Terrorism Act 2000
- The Terrorism Act makes it an offence to take or possess a photo useful to a person preparing an act of terrorism

NATIONAL SECURITY₂

- Since Feb 2009 an offence to elicit information about a member of the armed forces, police or intelligence service.
- Section 44 caused concern and concentrated on the power of stop and search and led to protests and questions to be raised in parliament
- Officers are no longer able to search individuals using section 44 powers. Instead, they will have to rely on section 43 powers – which require officers to reasonably suspect the person to be a terrorist.

WILDLIFE

- ◉ Many wild animals including insects and birds protected by Wildlife and Countryside Act 1981
- ◉ No restriction on taking of photos but offence to disturb.
- ◉ To photograph a protected species at or near their nests or place of shelter requires a licence from the relevant authority

COURT PROCEEDINGS

- ◉ Criminal offence to photograph in a court of law...this extends beyond the courtroom to the whole of the premises.
- ◉ Restrictions apply to people involved in legal proceedings even if taken away from court.
- ◉ Tribunals of enquiry not covered by this but can decide to impose their own restrictions



BANK NOTES

- Photographs of U.K. bank notes is an offence unless permission is given in writing by appropriate authority



COPYRIGHT & TRADEMARK

- ◉ It may be an infringement of copyright to take photograph of something protected by copyright...e.g. piece of art.
- ◉ Copyright is not applicable if an item is accidentally included in the photo and is not main subject e.g. advertising hoarding.
- ◉ Not an infringement if a building, sculpture is in a public place.