



the National Trust  
for Scotland  
a place for everyone

## **PHOTOGRAPHY AND FILMING AT TRUST PROPERTIES**

### Introduction

The National Trust for Scotland is the conservation charity that protects and promotes Scotland's natural and cultural heritage for present and future generations to enjoy. We therefore have a duty to protect our properties and their contents whilst at the same time facilitating access to and enjoyment of them. Striking the right balance has implications for our policy on photography and filming at Trust properties.

### Amateur Photography and Filming

Recording images is an important part of many visitors' experience at our properties. Amateur photography and filming using small hand-held equipment (including mobile phones) is welcomed outdoors at all our sites, including in gardens, but for reasons of conservation and security and to avoid inconvenience to other visitors, we regret we cannot allow amateur photography or filming inside our *historic* buildings during normal opening hours. Camera flashlight can interfere with sophisticated fire alarm systems, and cumulative exposure to flashlight is known to accelerate the deterioration of light sensitive objects, such as fragile watercolours or textiles. This ban does not however apply to buildings such as visitor centres or greenhouses where amateurs are at liberty to photograph or film unless property staff request otherwise at the time of the visit.

Special arrangements can be made for *bona fide* requests for indoor photography or filming, eg by interested amateurs, research students or academics. As a general rule, this should take place outside normal opening hours; applications must be made in writing to the property concerned. A copy of the application form can be found at Appendix 1 and is available on the Trust's website<sup>1</sup> or on request from properties. Permission will only be given on the basis that the photography or filming in question is undertaken for private research, study or use. Images must not be reproduced in any media without first obtaining the Trust's permission through our Photographic Librarian<sup>2</sup>. We acknowledge that many requests will come from those doing serious research into aspects of our properties or as part of an educational project, so every effort will be made to accommodate such requests. However, it may be necessary to charge for this facility in some circumstances, eg where a great deal of staff time or effort is involved. The Property Manager will be able to advise in individual cases.

In relation to amateur photography and filming at special events such as weddings and corporate functions, amateurs are at liberty to photograph outdoors. Special arrangements with the property manager may be possible to allow photography in certain indoor settings, where conservation and security are not felt to be compromised. Those organising such an event should consult the relevant

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<sup>1</sup> [www.nts.org.uk](http://www.nts.org.uk)

<sup>2</sup> Photographic Librarian, the National Trust for Scotland, Wemyss House, 28 Charlotte Square, EDINBURGH, EH2 4ET.  
Tel: 0131 243 9315

*Photography and Filming at Trust Properties*

*Policy approved by Senior Management Team - March 2007*

property manager over the details of any particular request. Commercial photography at events is covered below.

Those wishing to obtain colour images (digital or slide transparencies) for lecturing or other purposes may obtain these from the Photographic Librarian at our Central Office<sup>3</sup>. All copyright transparencies are loaned on the understanding that they are returned within one month to the library. A reproduction fee will be charged in certain circumstances. Duplicate slides may also be bought if required.

### Commercial Photography and Filming Indoors

We generally welcome the use of our properties for commercial photography and filming, and recognise the potential financial and promotional benefits of such activity as long as this is consistent with our conservation, access and security interests. Such activity must also comply with any relevant national guidance and legislation.<sup>4</sup> We request that applicants fill out the Initial Enquiry Details form which can be found at Appendix 2. At the initial enquiry stage we are not looking for exhaustive answers but just need a general idea and indication of what is being proposed. Any further questions can be directed to the Marketing Manager at Central Office<sup>5</sup> or to the Regional Marketing Development Managers<sup>6</sup>. We do recognise, however, that some filming requests will come in with very little advance notice and so this initial enquiry stage may not always be applicable. However, it is very important that the contract form, as detailed in the Events, Functions and Filming Manual, is completed and that evidence of insurance cover is provided. In relation to coverage of current news stories with a short lead-in time, crews should contact the Corporate Communications Department<sup>7</sup> to make the necessary arrangements.

Detailed terms and conditions that apply to relevant commercial filming or photographic projects can be sent on request<sup>8</sup>. A formal written contract will be concluded once terms are agreed and must be completed before filming or photography commences. Exact facility fees, where appropriate, are negotiated on an individual basis, and must be agreed with the Marketing Manager at Central Office or the Regional Marketing Development Managers<sup>9</sup>.

Visitors to Trust properties should be able to enjoy their visit with minimum disruption, therefore all commercial photography and filming should take place outside opening hours or at a mutually convenient time agreed with the relevant property manager.

Wherever possible we encourage agencies, publishers and photographers to use the images of our properties that are held centrally by our Photo Library. This contains over 13,000 digital images, 100,000 colour transparencies and prints and 60,000 black and white prints of our properties, both archival and up-to-date. These are available to reproduce in publications, displays or websites and for lecture purposes. Further details are available on request from the photographic library. Acknowledgement of

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<sup>3</sup> See previous footnote.

<sup>4</sup> eg the UK Data Protection Act 1998

<sup>5</sup> Tel: 0131 243 9386

<sup>6</sup> Tel: South and West Regions - Tel: 01721 726003. Highlands and Islands and Northeast Regions - Tel: 01330 830 202

<sup>7</sup> Tel: 0131 243 349

<sup>8</sup> These can be found in the Trust's Events, Functions and Filming Manual

<sup>9</sup> See footnotes 5 & 6

*Photography and Filming at Trust Properties*

*Policy approved by Senior Management Team - March 2007*

the National Trust for Scotland is required for all photographic material reproduced and must bear the following credit line: the National Trust for Scotland. Reproduction fees may be waived for certain charitable, educational or scholarly publications. Otherwise reproduction fees are negotiated on an individual basis with the Photographic Librarian who can be contacted at Central Office. A copy of any finished publications and the images used therein of NTS properties should also be sent to the Photographic Librarian for record purposes (ideally two copies of publications, one for Central Office, one for the relevant property).

Permission for filming, where required, is only granted for use in the individual current production specified and further permission from the Trust must be sought before pictures/footage are used on any subsequent productions. Copyright of any images or footage taken on Trust property remains with the photographer or film company, but the Trust reserves the right to terminate this arrangement without notice or refund if it deems the purpose of usage to be inappropriate or if it misrepresents the Trust in any way.

All commercial photography and filming must be credited as follows: 'Thanks to the National Trust for Scotland and name of property'.

### Commercial Photography and Filming Outdoors

Approaches for commercial photography within Trust Gardens (eg Inverewe) and outdoor areas of properties where an entrance fee is charged (eg Culzean Country Park) are treated in the same way as commercial filming indoors (see previous section).

In open countryside, where public rights of access apply under the Land Reform (Scotland) Act 2003, some types of commercial photography and filming may be carried out within those rights. The Scottish Outdoor Access Code which interprets the Land Reform Act gives some guidance on filming in areas where public rights of access apply, which at Trust properties generally means open countryside and other areas of land where no entrance fee is charged. If TV crews are using hand-held equipment and the subject matter is in some way linked to the natural or cultural heritage, then they are acting within their access rights and behaving responsibly by notifying the Trust and giving us the chance to flag up any problems. In such circumstances it is not appropriate to charge a fee for access or 'use' of open countryside, even where there is a commercial aspect to the filming or photography. However, if a large amount of assistance has been given, it might be reasonable in some circumstances to make a charge for other costs, such as administration or staff time. TV or film crews are also reminded that we are a charity and that any donations towards the Trust's work are therefore welcome. If photographing or filming a house or other building whilst exercising access rights (eg in the grounds of House of the Binns), the Code further states that the privacy and peace of mind of those living or working there must be respected.

Commercial filming for other purposes (ie not linked to the cultural or natural heritage) or which involves use of vehicles, fixed equipment, the use of facilities or staying in an area for several days, falls *outwith* access rights. In these cases the same procedure as that for commercial filming indoors, starting with the Initial Enquiry Form, will generally apply. Further details of the relevant parts of Scottish Outdoor Access Code can be found at Appendix 3.



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APPLICATION FORM

AMATEUR PHOTOGRAPHY/FILMING INSIDE AN NTS PROPERTY

Special arrangements can be made for *bona fide* requests for indoor photography or filming eg by interested amateurs, research students or academics. Such requests should take place outside normal opening hours. Applications must be made in writing to the property concerned for a mutually convenient appointment. Please fill out the form below and send it to the NTS property in question (Addresses can be found on our website [www.nts.org.uk](http://www.nts.org.uk), or in our Guide to Properties or by telephoning our Central Office, Tel 0800 493 2100)

Once we have received the completed form, we will contact you to discuss whether we will be able to accommodate your request. Please note a charge may be made for this facility.

Name:

Address:

Tel No:

Mobile No:

Name of NTS Property where applicant wishes to photograph or film:

Details of request, ie which aspect of property do you want to photograph eg building, room, object etc?<sup>10</sup>

Reason for request and how will the images be used?

The applicant agrees that images will be used for private reference or study only. Images must not be reproduced in any media without first obtaining permission from the Trust through our Photographic Librarian.

Signed .....

Date .....

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<sup>10</sup> Please note that if said object is on loan from another organisation we may need to seek further approval or permission to photograph or film it

*Photography and Filming at Trust Properties*

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INITIAL ENQUIRY DETAILS

FOR COMMERCIAL PHOTOGRAPHY OR FILMING

Contact Details: Name: .....  Production Company : .....  Commissioning Organisation/ Main Funders: .....  Address: ..... .....  Telephone: .....  Mobile no: ..... Email: .....	
NTS Property requested for photography or filming .....	
Brief Details of Project ..... .....	
Rooms/Facilities needed: .....	
Proposed Dates and Times Required: .....	No. of crew/guests: .....

The Scottish Outdoor Access Code  
Guidance on photography and filming

The Land Reform (Scotland) Act 2003 gives everyone statutory access rights to most land and inland water. People only have these rights if they exercise them responsibly. Equally, land managers have to manage their land and water responsibly in relation to access rights. The Scottish Outdoor Access Code (SOAC) interprets the Act and provides detailed guidance on the specific nature of those responsibilities.

The SOAC includes some guidance on filming in areas where access rights apply:

SOAC section 3.63:

*If you wish to take detailed photographs of houses or other buildings, you need to respect the privacy and peace of mind of those living or working there. Talking to the occupier can help a lot. If you wish to film a TV programme to further people's understanding of the natural or cultural heritage and which requires only hand-held equipment and involves no vehicles off the road, talk to the land managers beforehand and listen carefully to any advice provided. If you need to use vehicles or stay in an area for a few days or put down equipment or are filming for other purposes, you still require the permission of the relevant land managers. If you are writing a guidebook, leaflet or other promotional material about access in an area, try to talk to the relevant land managers to see if any local issues relating to privacy, safety or conservation need to be referred to in the publication.*

There is further guidance on some activities that are carried out commercially within access rights. Their inclusion is based on the provision that these activities could also be carried on other than commercially (ie by the general public or for educational purposes) and that in practice it would be hard to draw a line between them:

SOAC Section 2.9:

*Access rights extend to activities carried out commercially or for profit, provided that these activities could also be carried on other than commercially or for profit (ie by the general public for recreational purposes or for educational activities or for crossing land). For example a mountain guide who is taking a customer out hill-walking is carrying on a commercial activity but this falls within access rights because the activity involved – hill-walking – could be done by anyone else exercising access rights. The same would apply to a canoe instructor from a commercial outdoor pursuits centre with a party of canoeists. Other examples would be a commercial writer or photographer writing about or taking photographs of the natural or cultural heritage.*

The full SOAC can be seen at: <http://www.outdooraccess-scotland.com/>