



**Bob
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Natures
Photos

The legislative position when photographing captive and wild animals

Whilst I have been a professional wildlife photographer since the mid 1970's I am first and foremost a naturalist and zoologist even before I started out in serious photography. As a naturalist I believe that the welfare of every animal that I photograph or work with comes first and their wellbeing and treatment is central to everything I do. On all my workshops I clearly inform guests of this and will not work with captive or wild animals or any organisation that doesn't hold the same views and take the same approach. Most well-meaning photographers amateur or professional share my views but unfortunately as more and more people take up this hobby or offer wildlife photography workshops some don't. There is thus an increasing need to legislate to ensure the welfare of the animal comes before the acquisition of the photograph.



Photographing birds and other mammals in the wild especially birds at nesting sites has been subject to legislation for some time and the licensing position is well established. Such activities often require specific licences. Even if, as a wildlife photographer, you hold the same views as me regarding respecting and caring for wildlife you would be advised to check on the legal position before undertaking any photography especially of nesting birds and endangered animals. Even relatively common birds are afforded the highest degree of legal protection under what is called Schedule one of the wildlife and countryside act 1981. For example if you "intentionally or recklessly" disturb any bird listed in Schedule 1 whilst trying to photograph it "in, on, at or near" the nest or whilst it has dependent young, and without the necessary Licence from Scottish Natural Heritage, Natural England or other licensing authority, you may be committing a criminal offence punishable by a fine of up to £5,000 and/or a prison sentence of up to 6 months.

In addition to such specific legislation the 1925 the "Performing Animals (Regulation) Act" required that every local authority should keep a register of any person who exhibits or trains animals although it's fair to say that it wasn't altogether clear what was included under this legislation. In October 2018 this legislation was amended and extended, a move I fully endorse. With the increase in photographers becoming interested in wildlife photography and workshops being offered there is a clear need to ensure that the welfare of all animals involved, both wild and captive, is rigorously upheld. Alongside this I feel there is also a requirement to ensure that anybody exhibiting animals has an appropriate understanding of the specific needs of the animals they work with.

As the owner and director of Natures Photos I work with many organisations running workshops photographing captive animals. I always insist any organisation I work with take every step to ensure the welfare of the animals and where necessary they are registered under the appropriate legislation. This maybe a zoo licence, the new "The Animal Welfare (Licensing of Activities Involving Animals) England



Regulations 2018” or other relevant legislation. For myself, running harvest mice workshops, I have done exactly the same and am fully registered under the current legislation - licence number is 19/01834/AWEA. I would encourage everyone offering what is now becoming a popular workshop to do the same. I would further encourage anyone wishing to take part in one of these workshops to ensure the provider has the necessary legislation in place or is working towards it. Just as its the responsibility of the provider to ensure they are properly registered its is our responsibility as wildlife photographers to ensure we ask. Any registered provider can demonstrate their registered status by providing a copy of their current licence.

Further to the legislative position I would encourage any people thinking of undertaking a photographic workshop particularly with captive animals but also with wild animals to ensure that the provider has an adequate understanding of the animals welfare and needs and to test this by asking appropriate questions.

Some animals are more endangered in the wild than others and some are more difficult to keep and manage. Whilst this isn't the only concern of course it is important that the provider of workshops can demonstrate that they understand this and are taking the necessary steps, over and above the legislation, to protect the animal's wellbeing. In the mid-1970s I, with the late eminent naturalist Elaine Hurrell, ran the national dormouse survey to ascertain the (then) current status of the common dormouse (*Muscardinus avellanarius*) in Britain. There were a number of drivers for this work not least of which was to ascertain the level of protection that needed to be awarded to dormice. At about the same time others were working on surveys of other British mammals and I worked extensively with those surveying for otters (*Lutra lutra*) and harvest mice (*Micromys minutus*). As such I developed an excellent knowledge of the needs, behaviour and for example breeding requirements of harvest mice and dormice. Indeed the current approach used to photograph harvest mice by most workshop providers was one I developed in 1974. At the same time we also started to understand the need for not subjecting harvest mice to activity periods of longer than about two hours as this fitted then natural activity rhythm. We also developed an understanding of the competitive nature of the interactions between breeding males and females and that with the fact that, like other rodents, they are postpartum oestrus breeders, the requirements this places upon those who wish to breed them.

Harvest mice and other mammals make wonderful and enjoyable subjects for photography as indeed do other animals such as insects, reptiles and amphibians. Legislation whilst time consuming and currently somewhat confusing is essential and anyone seeking to work with captive animals ought to be prepared to work through it and become fully registered.

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