

# **A Précis of the Legal Aspects of taking Photographs**

## **In Public Places for Personal (private use)**

It is not illegal to take a photo of a person without their permission if they are in a public place. For instance, if you are just walking down the street and take someone's picture, you are well within your rights to do so, no matter how violated they might feel. First of all, they have to know their picture is being taken! They have no rights to demand that you delete the image. However if they in an area where they have a reasonable expectation of privacy (i.e. on private property), you are not allowed to invade that privacy by photographing them without their permission.

Persistent or aggressive photography of a single individual may come under the legal definition of harassment.

Members of the public and the media do not need a permit to film or photograph in public places and police have no power to stop them filming or photographing incidents or police personnel and they have no power to demand that you delete any images you have taken. Police officers have been known to quote Sec. 44 of the Terrorism Act 2000 (this refers to stop and search powers) however this was ruled illegal by the European Court of Human Rights in 2010.

Nobody can claim copyright to their own image (their face etc). The owner of the copyright in the photograph is the photographer – the person who creates it. You as the photographer retain copyright of an image which remains in force for 70 years from the end of the year after your death.

In the United Kingdom there are no laws forbidding photography of private property from a public place.

## **For Commercial use**

Two public locations in the UK, Trafalgar Square and Parliament Square, have a specific provision against photography for commercial purposes without the written permission of the Mayor, or the Squares' Management Team and paying a fee, and permission is needed to photograph or film for commercial purposes in the Royal Parks. In some other places photography is completely prohibited such as in a court. If in doubt ask.

You will also need permission of the subject if you intend to use the image for commercial purposes, so you will probably need a model release. It is always best to err on side of caution and obtain a model release.

## **On Private Land**

Photography on private land is not restricted if the landowner has given permission, however, landowners are permitted to impose any conditions they wish upon entry to a property, including forbidding or restricting photography. If you violate the conditions or do not have permission the landowner (or their representative) has the right to remove you from the premises.

## **In Conclusion**

The above is a précis of the many rights and restrictions placed on an individual when taking photographs, it is worthy of note that the taking of a photograph as described above, whilst not illegal in itself, may give rise to circumstances that could be unlawful, (if the subject 'goes over the top' they may commit a public order offence) it is therefore only polite and where practical to ask their permission.