

THE HIGHLANDS



OF SCOTLAND

FILMING

CODE OF

PRACTICE



The Highlands of Scotland welcomes production crews and aims to support production in the area to encourage the benefits that it brings. The volume of filming, especially in certain areas of Highland, has grown considerably in recent years and can have impacts on local communities, businesses and landowners. This Code of Practice aims to help the industry to work in the area lawfully, productively, and considerately to minimise the impacts on residents and businesses.

The Code of Practice applies to all forms of production and work relating to visual media (including but not limited to feature films, shorts, television, commercials, online content, music videos, stills shoots, gaming content) using locations in the Highland Council area.

All cast and crew involved in production projects must act responsibly and professionally at all times. Productions should read the Code, as following it may avoid problems, although it must always be noted that the Production is responsible for ensuring that they operate within the law. By following best practice and principles detailed in this document, production can continue in Highland in a sustainable and positive manner.

If you need more information, are unsure about statutory regulations, permits or whether the Code applies to your shoot, we would like to help.

Please contact the Highland Film Commission:

01463 702 955

info@scotfilm.org

www.scotfilm.org

The Highland Council Headquarters
Glenurquhart Road
Inverness
IV3 5NX

PERMISSIONS AND OWNERSHIP OF LAND

All projects should inform The Highland Film Commission of any intent to film in the area (even if in a private location) in advance of the start date to help ensure there is effective liaison with all parties that will need to grant permission and be informed, no matter the scale or size.

Projects that are taking place in a private location where such shooting might have an impact on the local community, the Council, or local businesses, must contact The Highland Film Commission.

All projects must have landowner permission where they are carrying out filming/photography before shooting starts. **All land is under ownership** and it is the production's responsibility to obtain permission to use that land for filming and photography purposes. The Land Reform (Scotland) Act 2003 (LR(S)A, and publicly referred to as the 'Right to Roam' legislation) **does not negate the need for a location use or release agreement.**

If a formal agreement is being reached between parties on the use of land or of other rights in Scotland, it may be important to make sure that the governing law of the contract is Scots Law and to have a clause such as *"This Agreement shall be governed by and construed in accordance with the laws of Scotland and shall be subject to the exclusive jurisdiction of the Scottish courts"*

Scottish property owners have the right to choose whether they agree to any other jurisdiction applying, and are not under any legal obligation to accept the jurisdiction of another country such as England and Wales.

The Highlands have important historical, geographic and cultural locations which may have conservation regulations attached to them. Some locations are protected by historical and/or environmental legislation. There might be restrictions on activity in certain locations and additional insurances may be required for certain activities or at certain times of the year. Therefore, **it is crucial to contact landowners and The Highland Film Commission to help ensure that you are not breaking statutory obligations.**

Directional **Unit Signage** must be approved by the relevant roads Authority and should adhere to local traffic regulations before independent signs are erected.

Activity should be limited to areas and times for which permission has been granted.

Any damage caused directly as a result of activity must be declared and should be repaired/costs covered as the Landowner or Roads Authority determines as necessary.

Projects using public car parks for their vehicles should consider the location, length of time they are occupying spaces, and whether there are alternative parking options available for members of the public or businesses. We would recommend that if any car park is going to be occupied by a Production then contact with the owner should be made to obtain any necessary permission.

You may wish to consider that occupying significant areas of any car park for any length of time could obstruct members of the public from exercising their Access Rights. To minimise or remove this risk, please discuss with the car park owner prior to production.

Car park bays owned and/or maintained by The Highland Council may be suspended for occupation by a production with an agreed charge as detailed in the link below. Contact should be made with the Traffic Management and Control Team in Roads and Transport as a reduced rate for costs may be calculated, depending on the number of bays to be suspended and the length of time.

https://www.highland.gov.uk/downloads/file/18975/parking_permit_types_fees_and_charges

AERIAL FILMING (INCLUDING UAVs AND DRONES)

In addition to obtaining appropriate permission from the relevant landowner for launching and landing, projects using manned or unmanned aircraft for filming purposes will ensure that they are familiar with aircraft legislation and procedures that relate to aerial filming in Scotland. All productions wishing to use unmanned aircrafts for filming purposes will submit a copy of the pilot's CAA approved license and insurance documents to the Highland Film Commission (info@scotfilm.org) before the production begins.

Pilots must be licensed and hold appropriate insurance.

The flight must be approved by the Civil Aviation Authority.

Due to the nature and use of the airspace **there are some important restrictions on the operation of UAVs in and around Highland.**

For more information contact the Civil Aviation Authority (CAA) on 0207 379 7311, by email at UAVenquiries@caa.co.uk, or go to their website, <https://www.caa.co.uk/Consumers/Unmanned-aircraft-and-drones/>.

HEALTH, SAFETY AND INSURANCE

All individuals working on location must take responsibility for their own health and safety, and that of their colleagues and the general public. The Production is bound by law to take reasonable care and measures to ensure that a healthy and safe working environment is created and maintained for all.

Failure to follow appropriate Health and Safety procedures may invalidate any insurance. Additional risk assessments may also be required depending on the type and nature of filming or the specific location used.

The Production must ensure that the appropriate level of safety clothing is worn by the crew when filming on the public road and in the public domain.

The Production should obtain and be able to produce a copy of the relevant insurance needed before shooting commences.

All projects must have Public Liability Insurance and any additional insurance that the landowner requests.

Productions should agree to indemnify the location owner or representative against any claims arising as a direct result of the activities of the production.

The Production must respect security issues local to the area and location and shall take advice from the landowner and relevant contacts.

A lot of areas in Highland are not covered by all mobile and internet networks. It is the responsibility of the production to ensure any essential communication is possible and it is advisable to have a person qualified in first aid present.

USING PUBLIC ROADS AND PATHS

The Production shall liaise with the relevant contact through the Highland Film Commission when intending to use public roads and paths for filming or for placing down equipment.

The Highland Council Local Authority and Transport Scotland have a formal procedure for requesting traffic management for filming purposes. There are varying conditions and lead in times to be considered for this and permission must be granted before traffic management is put in place. **Permitted traffic management is strictly limited to the dates and times stated in the agreement.**

The Highland Council Roads and Transport Department has an additional agreement that must be adhered to by all projects regardless of traffic management use.

If traffic management is approved by the relevant authority, projects must inform residents affected beforehand by letter or in person. Many roads in the region are locally significant roads where residents and businesses have no alternative routes, so it is imperative that they are notified of any traffic management or closures. Contacting residents by letter or in person is the responsibility of the production.

It is also advisable to put notices in nearby village/town noticeboards as any traffic management in the highlands will affect the wider area not just residents immediately adjacent to the location being used for projects.

The use of urban centres and streets should be approved by The Highland Council and any filming of/on Trunk Roads must be approved by Transport Scotland. Access to homes and businesses must be kept clear at all times, unless otherwise negotiated with the individuals concerned. If activity blocks a footway, an alternative safe route must be available; it is the project's responsibility to ensure there is a safe alternative route.

Emergency Services must always be given access to any road or location.

Access to homes and businesses must be kept clear at all times unless otherwise negotiated with those effected, and if activity blocks a path it is the project's responsibility to ensure there is a safe alternative route.

Depending on the location of the pathway and area, and nature of filming, an Access Exemption Order may be required.

WASTE DISPOSAL

All waste should be disposed of lawfully and the Production should ensure that they adhere to the Leave No Trace provisions stated in the Scottish Outdoor Access Code.

All litter and waste must be removed immediately at the end of the shoot unless specific time extensions have been granted. The location and environs must be returned to the same condition in which they were found.

The production may ask a private company to remove waste or liaise with the relevant Highland Council service to help ensure appropriate facilities are in place.

COMMUNITY ENGAGEMENT

The production shall inform and consult with local residents and businesses that might be affected by their shoot prior to and during the shoot.

Adjacent property owners to locations should be fully informed of intentions of projects that might affect them.

When possible, a donation to the Community Council of areas affected is encouraged so that local residents and the wider community can sustainably support the impacts that filming in the area creates. It should be noted that agreement by a Community Council to film in an area does not negate the requirement to apply to the Council, Transport Scotland or any individual landowners affected.

If implementing traffic management in the area, residents must be informed in advance by letter or in person by a representative of the production. This is imperative if using lifeline roads where residents and businesses have no alternative route. Letter dropping is the responsibility of the production.

Proof of adequate Public Liability Insurance and any other relevant permissions or agreements should be made available on demand to anyone affected by the project.

Wherever possible, please source services from local businesses (e.g. traffic management, catering).

Waste created on location should be recycled wherever possible.

Please provide the location owner and The Highland Film Commission with publicity material on release of the project wherever possible.

ADDITIONAL PERMISSIONS OR LICENSES ARE REQUIRED FOR

Filming involving children

Aerial Filming

waterways

Filming building exteriors

Filming with animals

Cabling

Use of camera tracks

Use of cranes

Alteration of signage

Scaffolding

Any potentially hazardous equipment

Filming with firearms and weapons, including prop and replicas

Scenes involving characters dressed as Emergency Services (Police Officers, Fire Brigade, Ambulance staff etc.) or using service vehicles

Filming on Public Transport

Filming on lochs, rivers and any

Filming at night

Filming underwater

Stunts

Pyrotechnics

Special Effects

Lighting and lighting towers

Working at heights

This document cannot cover every eventuality and legislation and guidance can change, therefore each production should consult The Highland Film Commission to help ensure they are carrying out all necessary actions.

RESPONSIBILITIES OF RESIDENTS AND THE GENERAL PUBLIC

Residents and the members of the public should be respectful and considerate to crews carrying out work and not interfere with or disrupt projects.

Those who do not respect the production, and the boundaries granted by the landowner for use of the project could be putting themselves and members of the production at risk, and could be held responsible for any incidents or damage caused by their actions.

If members of the public wish to engage with the project they should do so respectfully and when appropriate. If members of the public are unsure, the Highland Film Commission may be able to help.

Members of the public directly affected by the project may ask the appropriate crew member for proof of insurances and permissions if concerned that the project has not followed the correct procedures and been granted permission to use the area.

In the event of a dispute arising between the Production and other parties on location, further advice is available from Highland Film Commission on 01463 702955 or email info@scotfilm.org.



The Highland Film Commission is a free service provided by The Highland Council

01463 702 955

info@scotfilm.org

www.scotfilm.org

The Highland Council Headquarters
Glenurquhart Road
Inverness
IV3 5NX

This document was updated May 2018