

# Who Looks After the Hydrographer?

“A legal requirement to carry adequate nautical charts and books is found in both the International Maritime Organization (IMO), the Safety of Life at Sea (SOLAS) and national regulations, so mariners are entitled to be able to rely on them and usually they can”  
D.W. Newson, addressing the Royal Institute of Navigation, London, 1987.

Nautical charts in any form are specifically intended for the safety of vessels, cargoes, crews and the environment. The official services in accordance with SOLAS Chapter V are provided by the State Hydrographer's Office. There is little if any financial remuneration. Should an incident or accident occur, however, it is possible that the hydrographer could be held liable by commission or omission, in both national and international law. The question 'Who looks after the interests of the hydrographer?' is easily answered: 'The hydrographer himself!' Although the hydrographer is usually a state employee and the state would be held liable for any negligence of his office, it would be in his interests to ensure that whatever he and his office are responsible for is correctly undertaken.

Advocate P.M. Troop concludes an article on the subject by stating:

"The fact is that allegations of negligence are being levelled at hydrographers in many marine casualties. Although we have escaped so far, the Hydrographic Service must be prepared to defend its actions and standards in court. There is no doubt, in the author's view, that hydrography has become an ultra-hazardous profession and an Hydrographic Service must govern itself accordingly."

Regulation 2.2 of Chapter V of the SOLAS defines a nautical chart as follows:

'Nautical chart or nautical publication is a special-purpose map or book, or a specially compiled database from which such a map or book is derived, that is issued officially by or on the authority of a Government, authorized Hydrographic Office or other relevant government institution and is designed to meet the requirements of marine navigation.'

This chart must at all times reflect all the relevant data that could assist with the safe passage of a vessel and it must also indicate clearly and unequivocally any known maritime dangers. The chart, from the time of its compilation through its production stage, storage, issue and use up to the point where it is either discarded or marked 'Not for navigation', must be corrected and maintained by the holder/user with information supplied by the hydrographer.

Fault found in the actions of a state hydrographer will normally revolve around negligence usually as a result of incorrect information being displayed or the latest information not being displayed on the chart or passed to the user. The hydrographers' failure to pass on important information in a timely manner could be considered a negligent omission.

With the advent of the electronic nautical chart and with commercial enterprises supplying their own versions, usually based on information obtained from the various Hydrographer's Offices, the hydrographer should be very conscious of what actions of the vendor, if any, could be attributed to them as a responsibility - in part or in total. While the vendor might find himself facing 'products liability' or 'strict liability' as a result of defective products, the best assurance that a hydrographer can have is to ensure that the standard of the work of his hydrographers and his Hydrographic Office is beyond reproach and that the passing of vital information to all relevant parties is done accurately, speedily and in the accepted manner. Failure to do any of these could result in unfortunate loss of life, vessels and cargo, and the possibility of the hydrographer being found negligent in law.