

<b>TITLE:</b>	IMPORTANCE OF MAINTAINING GOOD WRITTEN RECORDS	<b>DATE</b>	19/07/2004
<b>CATEGORY:</b>	MISC	<b>AREA:</b>	WORLDWIDE

We are more likely to successfully defend claims against our Members when the Members' position is supported by comprehensive and contemporaneous written records. If Members are unable to provide such records defending their position can be extremely difficult.

The principal documents include official log books as required by the flag state, deck and engine room log books, rough bridge and engine room note books, engine movement (bell) books, cargo log books and the oil record book and accident reports. In addition to these there will probably be a number of operational documents which are relevant to the matter, such as cargo tally sheets, maintenance records (including repair contractor reports), stability calculations, surveyors' reports and many others.

Good written records play a very important part in determining the outcome of a dispute. Lord Justice Clark has stated *that "Courts depend upon evidence. Contemporary evidence is of the utmost importance. It is vital to make a note or report of any incident immediately if possible while it is still in progress"*.

Courts rely on oral and written statements of witnesses but more importantly they rely upon contemporary documents which come into existence at the time of the casualty or incident. Contemporary log entries and reports which are made immediately are regarded as more likely to be reliable than statements made much later. Members should also be aware that written records which are compiled after the event can have a far more detrimental effect than no records at all.

The Club recommends that Members encourage their Masters to ensure detailed chronological written records are kept at all times. In many cases the argument put forward for not maintaining records is that the bridge team or officers are too busy. Practical experience shows that once the habit of maintaining good records has been adopted it becomes second nature and takes less time than expected. Masters should ensure that officers and crew are aware of the importance of written records and take appropriate care when making entries. Entries should always be written neatly and legibly in ink. If a mistake is made a single line should be drawn through the relevant passage. Words should never be erased either by rubbing out or by painting with erasing fluid.

The Club is aware of claims which have been successfully defended simply because the defendants could produce good written records and the injured party was unable to produce evidence to refute them.

The written records can also indicate how a vessel is operated. A judge or arbitrator examining a log book which has not been properly completed, has many erasures and is untidy may draw adverse inferences about the way a vessel is generally operated. The Club recently dealt with a collision claim in which the vessel anchored, dragged, collided with another anchored vessel, heaved up her anchor and subsequently re-anchored. The deck log book for that day contained only three brief entries. More detailed examination of the log book revealed a period of three days in which there were no entries at all despite the fact that the vessel had undertaken sea passage and made two port calls during that time.

The importance of maintaining adequate written records cannot be over emphasised and Members are referred to the Nautical Institute publication, 'A Mariner's Role in Collecting Evidence' which provides comprehensive guidance on the subject.