Anyone injured as a result of falling on a badly maintained road or pavement in Jersey is in for a nasty shock, as there is no possibility of suing the States or the Parishes for compensation.

Although the States and the Parishes are under a statutory duty to maintain the roads and pavements, the Royal Court held, as long ago as 2003, in the case of Dobson –v- Public Services Committee that any breach of that duty did not create a private cause of action for anyone injured by a failure to comply with it.

Whilst the Royal Court acknowledged that it was arguable that "*an exemption from liability of this nature is unsatisfactory in the present day*", it nevertheless declined to find an alternative common law duty of care to road users.

The Court accepted that in some other jurisdictions, notably Guernsey, the courts had been prepared to find a common law duty of care, but generally, as in the UK and most Commonwealth countries, specific legislation had been introduced to provide such protection. The Jersey Court considered that any decision as to whether the public purse should compensate individuals injured whilst using the roads and pavements was one for elected officials, after proper consultation, and not for the Courts.

Despite the Royal Court's invitation to the States of Jersey to introduce reform in this area of law, there appears to have been a lack of political will to take any action. As a result, any pedestrian badly injured as a result of a poorly maintained pavement today still lacks an appropriate remedy.