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Assignment: Discuss secondary sources of Law in Nigeria

Discussion

**What Are The Sources Of Nigerian Law?**

The law is an abstract term. In order to know what comprises the law, you have to derive it from various places. These places from which the law is derived are aptly described as the sources of law. Sources of law can be defined as the places to which a legal practitioner or a judge turns to in order to answer a legal problem. They can be regarded as springboards from which law emanates. They are the various vehicles through which the law is carried. The sources of  Nigerian law can be divided into primary and secondary. In this context the secondary sources of law would be focused on.

Secondary sources of law

The secondary sources of Nigerian law are the indirect ways through which we get our law. Save for law reports, secondary sources of Nigerian law are of persuasive authority in the law courts. Law reports are only authoritative due to the fact that they serve as the vehicle through which judicial precedent is carried. Examples of secondary sources of law are:

1. Law Reports:

Law reports as well as an efficient law reporting system are essential for a smooth system of judicial administration. This is because in any nation where the principle of judicial precedent is operational, like Nigeria, it is only by reference to reported cases that courts and lawyers would be able to ascertain the position of law in their areas of, jurisdiction. The oldest species of law reports are the Year Books (1282-1537). They are regarded as the most comprehensive reports but are criticized to have been mere notes taken by students and practitioners of law for educational or professional purposes. The first form of law reports in Nigeria was the Nigerian Law Reports which emerged in 1916 but today they have become extinct. One regrettable trend in the law reporting system in Nigeria is the lack of sustainability. This has been the experience with most government and private initiatives in this regard. In Nigeria today, we have quite a number of law reports in circulation, among which are the following. (i) Nigerian Weekly Law Reports (NWLR) published since 1985; (ii) Supreme Court of Nigeria Judgments (SCNJ); (iii) Law Reports of the Courts of Nigeria (LRCN); (iv) All Nigerian Law Reports (All NLR); and (v) Federation Weekly Law Report (FWRL) These and many others, are also serving as sources of Nigerian law..

1. Text Books and Treatises

A textbook or treatise written by learned scholars and jurists, constitute a very important source of Nigerian law. It is the same experience in virtually all legal systems. Classical authors of outstanding textbooks on the English law include Braxton; Coke and Blackstone. Others like Dicey; Cheshire; Hood Phillips; Wade have continued to emerge over the years. In Nigeria, legal textbooks of reputable standards have been written by Obilade; Nwogwugwu; Okonkwo; Kodilinye; Aguda among many others. Professor Sagay has written extensively on international law. All these present a potent source of Nigerian law and can be authority where there is scanty or absence of judicial decisions, in which situation they could be of persuasive authorities. Where such works are cited, the weight to be attached to them will depend on the personality of the author and the Significance of the subject Covered.

1. Periodicals, Journals, and Legal Digests;

These are produced in various forms and colours in Nigeria. Some are professional while some are academic, and yet some are a mixture of both. For instance, in Nigeria, there exist learned journals published by different law faculties as well as private law publishers. Digests are equally available for example, the Digest of Supreme Court Cases. Digests are abridgements of cases, that is, they are useful summaries of the facts, issues, arguments and decisions in judicial proceedings. Some foreign legal dictionaries are also available in Nigeria. Some of these are Jowitt’s Dictionary of English Law, Stroud’s Judicial Dictionary, etc. All the above provide helpful guidance in interpreting Nigerian law.

1. Casebooks
2. Legal Dictionaries
3. Newspapers

The distinction between primary and secondary sources of law is very useful in determining authorities to follow in the law courts. If a case is brought before a court and one party uses a primary source of law as his authority while the other makes use of secondary sources, the scale of justice would tilt in favor of the person who presents primary sources of law.

Secondary sources of law are only made use of whenever there are no primary sources of law to fall back on.

Secondary legal sources may restate the law, but they also discuss, analyze, describe, explain, or critique it as well. Secondary sources are used to help locate primary sources of law, define legal words and phrases, or help in legal research**.** Secondary sources are a good way to start research and often have citations to primary sources. Secondary sources of law are particularly useful for;

* Learning the basics of a particular area of law
* Understanding key terms of art in an area
* Identifying essential cases and statutes

**Other examples of secondary sources of law may include:**

1. works that focus on specific events or topics,
2. surveys of broad historical periods,
3. literary and cultural criticism,
4. and works on theory and methodology.

REFERNCES

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