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**Course: Law 102**

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**Legal Method Assignment**

**Question: Discuss secondary sources of law in Nigeria**

**Answer:**

**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**.

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.

Primary sources of Nigerian law can simply be regarded as those sources whose provisions are binding on all courts throughout Nigeria. They include:

* Received English law
* Case law
* Nigerian legislation
* Customary laws.
* International laws.

On the other hand, 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:

* Law Reports
* Text Books and Treatises
* Periodicals, Journals, and Legal Digests
* Casebooks
* Legal Dictionaries and Encyclopedias
* Newspapers

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

The secondary sources of Nigerian law comprise of law reports, textbooks, legal periodicals, law digests, legal dictionaries and newspapers, among others. We must quickly point out here that only the primary sources could have binding force on a court of law in Nigeria whereas the mentioned secondary sources can merely serve persuasive purposes, and are usually relied upon where no primary source is available or applicable. We shall attempt a detailed discussion of each of these sources one after the other. Secondary sources of law are background resources. They explain, interpret and analyze. They include encyclopedias, law reviews, treatises, restatements. Secondary sources are a good way to start research and often have citations to primary sources Apart from the various primary sources already discussed, there exists a plethora of other sources of Nigerian law. These are mainly in documentary form.

**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.

Law reporting is essential for the growth of case law system. There have been private, governments imitative in this direction. The Nigerian Weekly Law Reports (NWLR) by Chief Gani Fawehinmi and the All Nigerian Law Reports by the Federal Ministry of Justice amongst others are some of the well compiled and edited series.

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.

**Law Textbooks 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. Finally, on points of law, especially where such points have not been previously decided in the court or where the position of the law on the point is not clear, courts may turn to textbooks by notable authors for assistance and guidance. But their books are merely persuasive. The Evidence Act specifically provides as regards customary laws that any book or manuscript recognized by natives as a legal authority is relevant. Especially books written Seasoned legal Icons.

**Periodicals, Journals and Legal Digest**

These are produced in various forms and colors 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.

**Casebooks**

You can browse and search for case law in the same way you search for primary sources, by subject, with a citation, or using keywords. Note, however that the body of case law is so large that a general search in any legal database will likely provide an overwhelming number of results and could waste a significant amount of research time. Instead, you should use a secondary source to identify at least one relevant case, which you can build on using the "one-good-case method."

**Legal Dictionaries and Encyclopedias**

Legal encyclopedias contain brief, broad summaries of legal topics, providing introductions to legal topics and explaining relevant terms of art. They also provide citations to relevant primary law and sometimes give citations to relevant major law review articles. Dictionaries are indispensable sources of law. To this end, the law library keeps some Standard English Language Dictionaries and lexicons. These include, among others, the Oxford English Dictionary, chambers English Dictionary and Webster’s International English Dictionary. Such dictionaries help not only in verifying the meanings of words and phrase, they also assist in the use of appropriate style, construction and framing of legal sentences to elucidate some precision, conciseness, simplicity, and unity all of which are salient hallmarks of any source of law. Legal dictionaries may either be exclusively in English or bi-lingual. Examples of Standard English language legal dictionaries include Black’s Law dictionary and Stroud’s judicial Dictionary. There also exists some specialized dictionaries concerning specific subject areas as well as other topical issues –Bi- lingual legal dictionaries are most helpful for deciphering certain words or phrases especially Latin or French, which have been unavoidably used in a passage. Most of such words have Roman and Anglo – Saxon origins and have become part of today’s legal writing to drive home certain principles and legal maxims. Examples of bi- lingual dictionaries may include English-French, English – Italian, English- Latin and English – Arabic Dictionaries.

**Newspapers**

Law libraries subscribe to newspapers and magazines not for the mere purpose of general reading. A deliberate effort is usually made by the law librarian to cut feature articles and notable news items and clip them neatly for storage. Such materials are thus arranged under broad subject headings in alphabetical sequence for easy retrieval. Newspaper and magazine clippings provide the most accessible current sources of research materials and therefore form secondary source of law. Articles in newspapers often cover wide areas of subject matters spanning every conceivable field of human endeavor. The only major snag about newspaper clippings as source of law is that the facts contained in a particular report or write-up may need to be further clarified or verified possibly from the writer or the maker for authenticity. This is not saying that newspaper articles and reports are not dependable as sources of law. This fact notwithstanding, newspapers are veritable sources of quick information on topical issues, which would take some time to be covered by authoritative textbooks.