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COURSE: LEGAL METHOD II

COURSE CODE: LAW 102

ASSIGNMENT:

DISCUSS THE SECONDARY SOURCES OF LAW IN NIGERIA

Secondary Sources of Nigerian Law

Secondary sources of law are the sources of law that do not carry a dominant legal weight and binding effect. The legal authorities contain in these kind of sources are diluted and persuasive which are not binding on any court of law.

According to Beredugo (2009), secondary sources of law are less significance sources of law that carry barely persuasive legal authority or effect and are therefore , not binding on any court of law. Secondary sources can be useful in court of law or resorted to where the court finds the opinion or fact underlying the authority contained therein. Secondary sources can also be referred to in court if it supports the authorities of the primary sources.

Examples of secondary sources of Nigerian law according to Beredugo includes:

(a) Decisions of courts of foreign countries

(b) International conventions, treaties, and resolutions of international bodies;

(c) Statements or opinions of jurists and learned authors contained in law textbooks, journal, periodicals, dictionaries, letters, speeches, and interviews;

(d) Legal opinions contained in nullified judgments.

Secondary sources of law also include all sources that provide helpful introductions to legal subjects, synopses of decisions, statutes, and regulations in a given field, analyses of trends and historical background of law, explanation of new or difficult concepts, descriptions and analysis of the law and its developments and citations to primary sources through footnotes and annotations.

Apart from the various primary sources already discussed, there exists a plethora of other sources of Nigerian law. These are mainly in documentary form. They are important because it is in book form that written laws are stated.

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.

1. Nigerian Weekly Law Reports (NWLR) published since 1985;
2. (ii) Supreme Court of Nigeria Judgments (SCNJ);
3. (iii) Law Reports of the Courts of Nigeria (LRCN);
4. (iv) All Nigerian Law Reports (All NLR); and
5. (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.

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.

References

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