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QUESTION: DISCUSS SECONDARY SOURCES OF LAW IN NIGERIA

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SECONDARY SOURCES OF LAW IN NIGERIA

Before we can fully discuss the secondary sources of law in Nigeria, we must first understand the concept of the Sources of Law.

Sources of Law

These are places where the law is derived from. It can be defined as the documents which are consulted by legal practitioners in the quest of the answer to a legal problem.

The sources of law in Nigeria are divided into Primary sources and Secondary sources of law. This brings us to our main focus; the Secondary Sources of Law in Nigeria.

Secondary Sources of Law in Nigeria

These can also be known as background resources. These documents explain, analyze, and interpret the primary sources of law. Their purpose is to explain the law, but they are not the law itself. The secondary sources merely exercise persuasive authority in the law courts. Examples are Law Reports, Treaties, Newspapers, Periodicals, Legal Journals and Digests, Textbooks, Casebooks, Legal Dictionaries, Encyclopedias, Restatements, etc.

There’s a clear distinction between Secondary and Primary sources in Nigeria. This is the fact that when both sources are presented in courts as arguments on opposite sides, the court or the Scale of Justice would tilt in favor of the side with the Primary sources, as the Secondary sources are only merely persuasive.

Note that, there can be an exemption in the case of Law Reports and this is because they are the vehicles through which judicial precedents are carried out. Also, the only way the Secondary sources would be more than just persuasive is in the absence of the Primary Sources.