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DEPARTMENT: LAW

LEVEL: 100 LEVEL

COURSE: LAW 102

MATRIC NO: 19/ LAW01/054

QUESTION: Discuss secondary sources of law in Nigeria.

Secondary sources are materials that discuss, explain, analyze, and critique the law. They discuss the law, but are not the law its self. Secondary sources, such as Law Reports, Law Textbooks, and Treatises are a great place to start your legal research. Unlike primary materials (case law, statuses, regulations), Secondary sources will help you with citations to relevant primary materials.

 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 report in Nigeria was the Nigerian Law reports which emerged in 1916 but today they have 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

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

These and many others, are also serving as sources of Nigerian law

 Law Textbooks and Treaties

A textbook or treatise written by learned scholars and jurist, 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 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 fact, 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.