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**Course: Legal Method; Law 102**

**Question: Discuss Secondary Sources of Law in Nigeria.**

**Secondary Sources of Law in Nigeria**

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 are 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.

Primary sources of Nigerian law can simply be regarded as those sources whose provisions are binding on all courts throughout Nigeria, they can be regarded as the law itself. Some of which include: Nigerian legislation, Case law, Received English law etc. 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.

The major difference between primary and secondary source of law is that while primary sources of law can be cited in a law court, a secondary source cannot. Secondary sources of law are only made use of whenever there are no primary sources of law to fall back on. Furthermore, 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. Some examples of secondary sources of law in Nigeria include: Law Reports, Text Books and Treaties, Periodicals, Journals, and Legal Digests, Casebooks, Legal Dictionaries etc.

To get a better understanding of the importance and function of secondary sources of law ill give a brief explanation of some of the examples mentioned above. A **Law Report** is a record of a judicial decision on a point of law which sets a precedent. Not all decisions taken in a court of law sets precedent, however interesting they may be in terms of the facts of the case or its consequences. A decision is only reportable if lays down a new principle of law, or changes or clarifies the existing law. Some examples of **Law Reports** in Nigeria are Nigerian Weekly Law Report, West African Court of Appeal, Nigerian Law Report etc.

On the other hand, a **Treaty** is a formally concluded and ratified agreement between independent governments. By formal, I mean that **treaties** are written agreements and by ratified, I mean that **treaties** must be approved by all of the parties to the **treaty** before it can take effect. Because it is a written law binding on all the parties involved it can always be referred to when need and can be considered a secondary source of law. Examples of treaties are African Nuclear Weapon-Free Zone Treaty (Pelindaba Treaty), April 11, 1996. In conclusion, secondary sources of law elaborate on the primary sources and serve a reference to the primary source of law, while the primary source of law itself, in other words secondary source of law can be likened to a biology textbook while the primary source of law can be likened to the information found in the textbook.