NAME: **UGWO** JESSICA KENECHUKWU

MATRIC NUMBER**: 19/LAW01/258**

COURSE CODE: LAW 102

COLLEGE: LAW

LEVEL: 100 LEVEL

DATE: 14TH APRIL, 2020.

ASSIGNMENT: Write on the secondary sources of law. Font 12, Justify.

SECONDARY 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 two; primary and secondary 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:

1. Received English law
2. Judicial precedents/ Nigerian case laws
3. Nigerian legislation
4. Customary laws
5. International laws

On the other hand, the secondary sources of Nigerian law are for 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:

1. Law reports
2. Text books and treaties
3. Periodicals, journals and legal digests
4. Case books
5. Legal dictionaries
6. Newspapers, television and radio

Let me briefly explain the following secondary sources;

1. Law reports: Law reports are compilations of different cases and they are stated clearly and not abbreviated. A law report is a compilation of the judgement of other may cover a broad area like constitutional law, company law and administrative law. Issues bothering on arbitration or banking for example. They are published periodically. Law reports include the decisions of: (i) The Supreme Court of Nigeria, (ii) The Court of Appeal, (iii) The High Court or any tribunal or court however designate whether existing or already abolished like the West Africa Court of Appeal (WACA). If a court is no longer in existence the law reports are not forgotten because they form judicial precedents.

Law reports as well as an efficient law reporting system are essential for a sooth system 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 1881 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 the 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)
2. *Supreme Court of Nigeria Judgements* (SCJN)
3. *Law Reports of the Courts Of Nigeria* (LRCN)
4. *All Nigerian Law Reports* (All NLR)
5. *Federation Weekly Law Reports.*
6. Text books (law texts) and treaties: A text book 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 Bracton; 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.

1. Periodicals, journals and legal digests: In journals and periodicals, you will find writings of scholars with their various analysis, criticisms and assessments of the primary sources. For example, you see some writers writing about laws and their own views as to what they think should be done. When an issue with precedent is cited in court, a lawyer can use it to persuade a judge.

These are produced in various forms and colours in Nigeria. Some are professional while some are academic, and yet some are an admixture 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.

1. Case books: is a type of textbook used primarily by students by students in law schools. Rather than simply laying out the legal doctrine in a particular area of study a case a book contains excerpts from legal cases in which the law of that area was applied. It is a book containing extracts of important legal cases.

The teaching style based on case books is known as the ‘Casebook method’ and is supposed to instill in law students how to “think like a lawyer”. The casebook method is most often used in law schools in countries with common law legal systems, where case law is a major source of law.

Most casebooks are authored by law professors, usually with two, three, or four authors, at least one of whom will be a professor at the top of his or her field in the area under discussion. New editions of casebooks often retain the names of famous professors on their covers decades after those professors have died.

1. Legal dictionaries: For law, we have specialized dictionaries used for research that can be found in law libraries. Some foreign legal dictionaries are also available in Nigeria. Some of these are Jowitt’s Dictionary of English Law, Stroud’s Judicial Dictionary.
2. Newspaper, television and radio: These are the various ways by which the media passes and enlightens the public about the law. The print media is made available for those that do not have access to the electronic media. The main aim is to make people aware of the several laws that exist and to assure them of their secured rights.

References : (i) Introduction to Nigerian Legal Method by Abiola Saani

(ii) <https://en.m.wikipedia.org>

(iii) <https://djetlawyer.com>