OFOKANSI ANTHONY

DEPT: LAW

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COURSE: LEGAL METHOD

Q: Discuss secondary sources of law in Nigeria.

Ans:

Sources of Nigerian Law

Legal research is concerned with finding information contained in authoritative sources of law. The sources are where the original fact, information and rule of law could be derived. The law library has a depository of numerous legal sources. The legal sources literally refer where, how and by what authority a particular rule of is made and becomes legally effective to regulate human conduct.

Primary Sources of Nigerian Law

Primary sources of Nigerian law could be referred to the fundamental sources of law that have ground and binding significance. That is to say, primary sources of law constitute ground norms, precedents and binding authorities that determine the decision or judgment of the court.

There are five primary sources of law which includes:

1. The Constitution

2. Nigerian Legislation

3. Nigerian Case Law or Judicial Precedent

4. Received English Law

5. Nigerian Customary Law, and Islamic law

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 judgements.

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.

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 while the other makes use of the secondary source, the scale of justice would tilt in favour of the person who makes use of the secondary source of law.

Secondary sources of law are only made use of when there are no primary sources of law to fall back on