

SECONDARY SOURCES OF NIGERIAN LAW

Introduction:

Secondary sources of law are usually relied upon where no primary source of law is available or applicable. They include the following:

1. Law Reports:

Law reports are essential for an effective system of judicial administration. The position of the law is ascertained by reference to reported cases by courts and lawyers. The first form of Law reports in Nigeria was the Nigerian Law Reports which emerged in 1916. They are no longer in use. Examples of Law reports in Nigeria include Nigerian Weekly Law Reports (NWLRL) since 1985, Supreme Court of Nigeria (SCNJ), All Nigerian Law Reports (All N.L.R), Federation Weekly Law Report (FWLR) and so on.

2. Textbooks:

Legal textbooks can be regarded as one of the most authoritative secondary sources of law. They consist of scholarly views, opinions, commentaries and authoritative expositions in certain subject areas. Some notable modern legal text writers include Lord Denning in general aspects of law and practice, Schwarzenberger in the field of International Law, Winfield and Jolowicz on Torts, Cheshire and Fifoot on Contracts, Roscoe Pound, Hart and Fuller on Jurisprudence and legal theory, Margery and Wade on Property. In Nigeria, notable legal text writers include Obilade, Kodilinye, Aguda, Itse Sagay and so on.

3. Legal Journals and Periodicals:

Legal journals are the most current sources of law because of their frequency of publications, some being monthly, quarterly, half-yearly or bi-annual. They contain scholarly articles, commentaries, notes and comments on current legal problems.

Legal periodicals may be classified into foreign and local titles. They contain book reviews, seminars, round-table conferences. Standard foreign law journals include the following: Cambridge Law Journal (C.L.J), Harvard Law Journal (H.L.J), Yale Law Journal (Y.L.J),

Harvard Law Review (H.L.R). Local periodicals include: Nigerian Law Journal (N.L.J), Nigerian Journal of Contemporary Law (N.Y.C.L).

4. Government Publications:

Government Publications are considered to be very authoritative as they are derived from government sources directly. These Government Publications are in various forms such as the gazette, reports of commissions of inquiries, white papers, reports of special tribunals, constitutional bodies, constituent assembly, parliamentary publications. Information contained the Gazette are deemed to be authentic as they are have been issued by the appropriate authority.

Other official publications include books, pamphlets, posters and pictorial items issued by the Government printer. These materials consist of laws, regulations, directives, notices, decrees, edicts and bye-laws.

5. Newspaper Interviews and Articles:

Newspaper interviews granted by legal luminaries also serve as a secondary source of Nigerian law. These legal luminaries are regarded as authorities, hence their speeches or legal letters are deemed persuasive. Newspapers and magazines provide the most accessible current sources of research materials and notable news items. Although, some facts contained in a particular report or write-up may need to be verified for authenticity. Notwithstanding, newspapers are dependable secondary sources of law. Newspaper articles also cover a wide range of subject matters.

6. Legal Digests:

Legal digests are also classified as a foreign source of law. They are summaries of cases judicially considered. They differ from law reports in that they are mere paraphrasing of cases in very concise and understandable forms.

7. Encyclopaedias and Precedent Books:

Encyclopaedias such as Encyclopaedia Britannica and Encyclopaedia America are also foreign sources of law. They cover wide areas of law, jurisprudence and legal theory and legal biography.

Precedent books contain samples of works done by legal authors to be followed or used as templates. Precedent books include the Butterworth's Encyclopaedia of forms and precedents which covers extensive areas of solicitor's work and the Atkin's court forms which deals with the forms, contents and procedure in civil matters.

Other basic foreign materials include the famous Halsbury's Laws of England and Halsbury's Statute of England.

8. Bibliographies:

Bibliographies serve as a vital source of law. A bibliography is a publication that lists the topic or titles of materials available in a given subject. The general arrangement is usually in alphabetical order by subject. An example of a legal bibliography is Jegede's Nigeria Legal Bibliography 1993, which is a detailed listing of invaluable source materials on various aspects of the Nigerian law.

General references usually at the end of a chapter in a book or at the end of an article assist in legal research by offering directives as to further sources of information.

9. Legal Dictionaries:

Legal Dictionaries help in verifying meaning of words and phrases. They also assist in the use of appropriate style, construction and framing of legal sentences. They may be either English or Bi-lingual. The bi-lingual dictionaries interpret foreign words or phrases found in a passage such as French or Latin. Examples of legal dictionaries include Black's Law Dictionary and Stroud's Judicial Dictionary.

Conclusion

Secondary information sources are the materials that contain information derived or extracted from the primary sources of law and have undergone diluted processes or certain alterations. Akinyemi (2017) defines secondary information sources as the information resources extracted from the primary sources after they have been manipulated, diluted and rearranged. They include:

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Text books (of different practice areas and others) Journals /Law reviews

Law digests

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Court forms (e.g. Atkins Court Form)

Practice notes Magazines Encyclopaedias

Law dictionaries, and Others.

Research Support-Services of the Law Libraries