

EBOIGBE CONFIDENCE PAUL

LEGAL METHOD

SECONDARY SOURCES OF LAW

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MRS OMOMEN

Just like we have been thought about the sources of law which has been divided into primary and secondary source. The primary sources of Nigerian law can simply be regarded as those sources whose provisions are binding on all courts throughout Nigeria. They include:

Received English law

Case law

Nigerian legislation

Customary laws.

International laws.

Then we have the secondary sources which will be our main topic of discussion now.

Secondary sources of law are derived from the study and analysis of the primary sources of law or through the critic of primary sources.

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. Examples of secondary sources of law are:

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.

Text Books and Treatises: A textbook 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 Braxton; Coke and Blackstone etc. In Nigeria, legal textbooks of reputable standards have been written by Obilade; Nwogwugwu; Okonkwo; Kodilinye etc.

Periodicals, Journals, and Legal Digests: These are produced in various forms and colors 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. It also helps provide helpful guidance in interpreting Nigerian law

Legal Dictionaries: Legal dictionaries provide definitions of words in their legal sense or use and clarify things that will be needed when making or enforcing a new law giving the needed information to how the law should be applied and how offenders should be punished

Some other secondary sources include Casebooks, Newspapers

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.

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