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LAW

LAW 102 ASSIGNMENT

Discuss secondary sources of law in Nigeria

The Sources of Nigerian Law can be said to be the materials through which a legal practitioner, court or judge would find reliable authorities for a particular legal question. They are the origins of law. In Nigeria sources of law is classified into two aspects; primary sources and secondary sources. Primary sources of law are those sources that have a binding effect on the courts in Nigeria. They include: English law, Nigerian Legislation and subsidiary enactments, Nigerian case laws or judicial precedent, customary law and Islamic law.

However the aim of this paperwork is to discuss the secondary sources of law in Nigeria.

Secondary sources of law are those sources that can merely serve persuasive purposes and are usually relied upon where no primary source is available or applicable. They are furnished information or are derived from the primary source of law through their examination. Secondary sources of law are background resources that discuss, analyze, describe, explain, critique and interpret the primary sources. They include: law reports, law textbooks and treatises, periodicals, journals and legal digest, law dictionaries, encyclopedias and so much more.

Law reports

A law report is a compilation of the judgement of other courts. Such judgment may cover a broad area like constitutional law, administrative law, issues bothering on bail, arbitration and banking and so on. Law reports include the decisions of the Supreme Court of Nigeria, the court of appeal and the high court/ any tribunal or court however so designated whether existing or already abolished by the West African Court of Appeal. Law reports are essential for a smooth system of judicial administration. This is because in any nation where the principle of judicial precedent is operational, 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 first form of law report in Nigeria was the Nigerian Law Report which was published in 1916 but today they have become extinct. Commonly used Law reports in Nigeria include:

• ALL NLR – All Nigerian Law Report

• FWLR – Federal Weekly Law Report

• SCNLR – Supreme Court of Nigeria Law Report

• FNLR – Federal Nigerian Law Report

• NWLR – Nigerian Weekly Law Report

• LRN – Law Report of Nigeria

• NCLR – Nigeria Commercial Law Reports

• WACA – Selected judgement of the West African Court of Appeal

Law reports are published periodically.

Law textbooks and Treatises

A textbook or treatise written by learned scholars and jurists, constitute a very important source of Nigerian law. They present a potent source of law and can serve as authorities where there has been no previously decided case in the court or where the position of the law on the point is not clear. The Evidence Act specifically provides as regards customary law that any book or manuscript recognized by natives as a legal authority is relevant. Especially books written by seasoned legal icons.

Periodicals, Journals and Legal Digest

These are another great source of legal research, valuable for the depth in which they analyze and critique legal topics as well as their extensive references to other sources including primary sources. They are writings of scholars with their various analysis, criticisms and assessment of the primary sources. Legal Digests on the other hand are abridgememts of cases, that is, they are useful summaries of the facts, issues, arguments and decisions in judicial proceedings. In Nigeria there exist learned journals published by different law facilities e.g the Nigerian Judicial Review as well as private law publishers. Digests are also available, for example we have the Digest of Supreme Court Cases.

Law Dictionaries

These are dictionaries that are designed and compiled to give information about terms used in the field of law.They help in the interpretation of words e.g Black’s law dictionary.

Legal Encyclopedias

These contain brief, broad summaries of legal topics providing introductions to legal topics and explaining relevant terms of art. They also provide citations to relevant primary law and sometimes give citations to relevant major law review articles

All of the above are secondary sources of law because they are not authoritative but they are persuasive because they are not binding laws or precedents.