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SECONDARY SOURCES OF LAW IN NIGERIA

Secondary law commonly regarded as subsidiary or delegated legislation is a law made by bodies other than the primary law making bodies.

Secondary sources offer analysis, commentary or a restatement of primary laws and are used to help locate and explain primary sources of law. They may influence a legal decision but do not have the controlling or binding authority of primary sources. For example, the Chief Justice of Nigeria makes rules and regulations for the practice of courts in Nigeria.

The secondary sources are mainly in documented form, they are important because it is in book form that written laws are stated. Some of these sources includes; law reports, textbooks, journals and periodicals, law digests and law dictionaries, encyclopedia, etc. We shall attempt to discuss them below;

❖ LAW REPORTS

Law reports are compilations of the judgement of other courts. Such judgements may cover a broad area like constitutional law, company law, administrative law, issues bothering on bail, arbitration and banking. They are published periodically.

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.

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 1916 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 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;

- Nigerian Weekly Law Reports (NWLRL) published since 1985;
- Supreme Court of Nigeria Judgements (SCNJ);

- Law Reports of the Courts of Nigeria (LRCN);
- All Nigerian Law Reports (All NLR); and
- Federation Weekly Law Reports (FWRL)

These and many others, are also serving as sources of Nigerian Law.

❖ **LAW TEXTBOOKS AND TREATIES**

Textbooks and treaties written by learned scholars and jurists, constitute a very important source of Nigerian law. It is the same experience in virtually all legal systems.

Legal treaties are publications that present a highly organized and detailed explanation of a specific area of law (for example, contract, tort, criminal, or property law). Treaties are published as a single- volume or multi- volume sets. Most treaties are updated by the use of supplements or pocket parts.

Classical authors of outstanding textbooks on the English law include Braxton; Coke and Blackstone. Others like Dicey; Cheshire; Hood Philips; Wade have continued to emerge over the years. 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 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.

❖ **PERIODICALS, JOURNALS AND LEGAL DIGEST**

Legal periodicals are very helpful in locating cases and statutes in a particular subject area. It is also an excellent method of locating current information. Subjects that are new or too specialized to be covered in books are found in periodicals. Articles in periodicals describe, analyze and comment on the current state of the law. There are numerous legal periodicals available, including law school journals and law reviews, bar association journals, legal newspapers and legal newsletters.

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.

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. Some foreign legal dictionaries are also available in Nigeria. Some of these are Jowitt's Dictionary of English Law, Stroud's Judicial dictionary, etc. All the above provide helpful guidance in interpreting Nigerian Law.

❖ LEGAL DICTIONARY (IES)

Legal dictionaries provide definition of words in their legal sense or use. These publications provide a short definition of foreign and Latin legal words and phrases, refer to cases and other legal sources for authority, and may give examples of word usage in various legal situations. They also include tables defining legal abbreviations and acronyms. For example, *Black's Law Dictionary*.

❖ LEGAL ENCYCLOPEDIAS

Legal Encyclopedias offer broad and general commentary on a full range of federal and state law. These are useful as a starting point for researching unfamiliar areas of law. Most of the articles in encyclopedias focus on case law and do not contain extensive citations to statutes or other secondary sources. The two national encyclopedias are *American Jurisprudence* and *Corpus Juris Secundum*. Although, many but not all states have a legal encyclopedia focusing exclusively on the laws of that state.

❖ LEGAL DIRECTORIES

Legal directories are locators for legal and government information. A variety of resources provide information about attorneys, law firms, legal experts, professors, government officers, corporate legal departments, legal aid organizations and elected officials. For example, the Federal Regulatory Directory is a comprehensive guide to federal regulatory agencies. It includes citations to laws under which agencies derive their regulatory responsibilities. Entries include a description of responsibilities of the agency, contacts and references to the legislation that established the agency.

OTHER SITED SOURCES INCLUDES;

Restatements, newspapers, watching television and listening to radio. They are secondary because they are not authoritative but meant to persuade in the court of law. Judicial precedent is also persuasive not authoritative.