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COURSETITLE:LEGALMETHODII

COURSECODE:LAW102

DEPT:LAW

MATRICNO:19/LAW01/090

SECONDARY SOURCES OF LAW IN NIGERIA

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 opinion 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.

Secondary sources of law are background resources. They explain interpret and analyze. They include:

* Legal encyclopedias
* American Law Reports(ALR)
* Treatises
* Law journals
* Restatements

Secondary sources are particularly useful for:

* Learning the basics of a particular area of law
* Understanding key terms of art in an area
* Identifying essential cases and statutes

Legal encyclopedias

Legal encyclopedias 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.

American Law Reports

American Law Reports(frequently abbreviated and referred to as (ALR) contains in-depth articles on narrow topics of law.ALR articles, called annotations, provide background, analysis, and citations to relevant cases, statutes, law review articles, and other annotations.

TREATISES

Treatises –books on legal topics—are a good place to begin your research or find an answer to a question, and will help you save time by providing explanation, analysis, and tips on the most relevant primary sources. Treatises range from single volume overviews to extensively detailed multi-volume sets. They may come in the form of bound books updated with pocket parts or loose leafs with easily replaced pages. Some treatises are intended for law students while others are meant for practicing lawyers.

LAW JOURNALS

Law review or journal articles are another great secondary source for 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.

Law reviews are scholarly publications, usually edited by law students in conjunction with faculty members. They contain both lengthy articles and shorter essays by professors and lawyers, as well as comments, notes, or developments in the law written by law students. Law review articles often focus on new or emerging areas of law and they can offer more critical commentary than a legal encyclopedia.

Some law reviews are dedicated to a particular topic, such as gender and law or environmental law, and will include in their contents the proceedings of a wide range of panels and symposia on timely legal issues.

RESTATEMENTS

Restatements are highly regarded distillations of common law. They restate existing common law into a series of principles or rules. Restatements cover broad topics,such are organized into chapters, titles, and sections. Sections contain a concisely stated rule of law, comments to clarify the rule, hypothetical explanation of purpose, as well as exceptions to the rule.

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 persuasive authority in law courts. Law reports are only authoritative due to the fact that they serve as vehicle through which judicial precedent is carried. Examples of secondary sources of law are:

1Law Reports

2.Textbooks and Treaties

3. Journals, periodicals, and legal digests

4Casebooks

5Legal Dictionaries

6Newspapers

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.

Secondary sources offers analysis, commentary or a restatement of primary law are used to help locate and explain primary sources of law. Secondary sources may influence a legal decision but do not have the controlling or binding authority of primary sources. Secondary sources of law are background resources they are a good way to start research and often have citations to primary sources.