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ASSIGNMENT: Discuss on the secondary sources of law

## SECONDARY SOURCES OF LAW IN NIGERIA

The law is an abstract term. In order to know what comprises the law, you have to derive it from various places. These places from which the law is derived are aptly described as the sources of law. Sources of law can be defined as the places to which a legal practitioner or a judge turns to in order to answer a legal problem. They can be regarded as springboards from which law emanates. They are the various vehicles through which the law is carried. The sources of Nigerian law can be divided into primary and secondary.

Primary sources of Nigerian law can be 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.

Secondary sources of law are background resources. They explain, interpret and analyze. They include encyclopedias, law reviews, treatises, restatements, law reports, textbooks, treatises, journals, law digests, legal dictionaries, newspapers. Secondary sources are a good way to start research and often have citation to primary sources. They 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.

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.

### SECONDARY SOURCES OF LAW

(a) **LAW REPORTS:** law reports are series of books that contain judicial opinions from a selection of case law decided by courts. When a particular judicial opinion is referenced, the law report series in which the opinion is printed will determine the case citation format. The purpose of law reports is to publicize and distribute to the lawyers and judges, judgements of the courts to widen the base of legal knowledge and to prevent two differing decisions on identical facts or two differing legal theories on a same issue. The oldest specie 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 1881 but today they are extinct. In Nigeria today, we have quite a number of law reports in circulation, among which are the following

- Nigerian Weekly Law Reports (NWLR) published since 1985
- Supreme Court of Nigeria Judgements (SCNJ)
- Law Reports of the Courts of Nigeria (LRCN)
- All Nigerian Law Reports (All NLR)
- Federation Weekly Law Reports

- (b) **LAW TEXTS, 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. These present a potent source of Nigerian law and can be authority where there is scanty or absence of judicial 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.
- (c) **PERIODICALS, JOURNALS AND LEGAL DIGESTS:** legal periodicals contain articles about emerging areas of law and are written by professors, practitioners, judges and law students. 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. Legal digest is a set of books that organizes the law by topic, such as corporations or torts, and each topic is divided into subtopics. The digest provides the citation to and a brief summary or digest, of all the court opinion that have addressed the subtopics.
- (d) **LEGAL DICTIONARIES:** A legal dictionary contains the definitions of legal terms taken from a variety of sources. They are the first place you should look when you do not understand what a legal term means. The two most commonly used dictionaries are Black's law Dictionary and Ballentine's law Dictionary.

#### REFERENCES:

[Library.highline.edu/c.php?g](http://Library.highline.edu/c.php?g)

[Djetlawyer.com/sources-of-nigerian-law/](http://Djetlawyer.com/sources-of-nigerian-law/)