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QUESTION

Discuss secondary sources of law in Nigeria.

INTRODUCTION

First of all, what are sources of law?

Sources of law are the origins of laws, the binding rules that enable any state to govern its territory. The term ‘sources of law may sometimes refer to the sovereign or to the seat of power from which the law derives its validity. The legal definition of source of law according to Mariam-Webster dictionary is,’ something (as a constitution, treaty, custom or statute) that provides the authority for judicial decisions and for legislation. The sources of law are classified into primary sources of law and secondary sources of law Primary sources are the actual law in the form of constitutions, court cases, statutes, and administrative rules and regulations. Secondary sources on the other hand are derived from primary sources through examination, critic of the primary sources or even discussions bothering on the primary sources. Secondary sources are materials that discuss, explain, analyse, and critique the law. They discuss the law, but are not the law itself.  Unlike primary materials (case law, statutes, regulations), secondary sources will help you learn about an area of law, and provide you with citations to relevant primary materials. The distinction between primary and secondary sources of law us 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 favour of the person who presents primary sources of law. Furthermore, secondary sources of law are not authoritative but persuasive because of judicial precedents.

There are numerous secondary sources of law in Nigeria but some include;

1. Law Reports.
2. Text books and Treatises.
3. Periodicals and Journals.
4. Legal dictionaries.
5. LAW REPORTS

Law reports are compilation of the judgement of other courts such judgement 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 include the decision of

1. Supreme Court of Nigeria
2. The Court of Appeal
3. The High Court or any tribunal court however designated whether existing or already abolished like the West African Court of Appeal (no longer existing but was here during the British Colonial Rule.

The most commonly used law report in Nigeria is the Nigeria Weekly Law Report (NWLR) and the Nigerian Law Report (NLR). Other examples are All Nigerian Law Report (ALL NLR), Federation Weekly Law Report (FWLR), Federal Nigeria Law Report (FNLR).

1. TEXTBOOK and TREATISE

Textbooks summarize single specific legal topics. Treatises include textbooks and cover broader subject areas. Both provide authoritative and thorough treatment of the subject area, and are useful to those unfamiliar with a subject area. In addition to a summary of and commentary on the law they will include tables of content, tables of cases and subject indexes. In addition to print versions of the texts and treatises some are also available in electronic format. These will be searchable by subject, keyword, title, or author.

Textbooks and treatises are not primary sources of law; however, they can have persuasive authority, in the courts. Once you have located some preliminary information in texts or treatises you will have known some of the expressions or concepts that you will need to continue further with your research.

WHY USE A TREATISE

Practitioners rely heavily on treatises for the detailed coverage and practical tips they contain. The content varies tremendously, but you can usually find thorough explanations of the law at issue along with citations to relevant cases, statutes, regulations, and other secondary sources. Some treatises also contain the full text of these materials in appendices.

FINDINGTREATISE

You can locate relevant treatises by keyword searching in the library catalog.

LEGAL PERIODICAL and JOURNALS

Legal periodicals contain articles about emerging areas of law and are written by professors, practitioners, judges, and law students. Commonly used legal periodicals include law reviews, law journals, and bar journals.

WHY USE A LEGAL PERIODICAL

Legal periodicals are often the first secondary source to cover new and emerging areas of law and to highlight developments and changes in the existing law. An issue that is too new to appear in an encyclopedia or treatise is often discussed heavily in the trade press or scholarly journals. In addition to providing an in-depth discussion on the legal issue, a law review or journal article also will provide citations to significant, and often recent, primary and secondary sources.

PERIODICAL INDEX

A periodical index collects information about individual articles that appear in journals, newsletters, and magazines. That information is arranged alphabetically by title, author, and subject. Some indices also include tables that list articles by statute or case name.

LEGAL DICTIONARY

WHAT IS A LEGAL DICTIONARY

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 legal dictionaries are Black Law Dictionary and Ballentine's Law Dictionary. Print copies of Black's are located throughout the library on swivel stands. Black's is also available Westlaw while Ballentine's is available on Lexis

REASONS TO USE A LEGAL DICTIONARY

In addition to providing a general definition of the legal term in question, legal dictionaries may also provide references to applicable primary law and other secondary sources containing more in-depth discussions of the term. For example, the entry for the legal term of art in Black's Law Dictionary contains a definition and references two Supreme Court opinions.

EVALUATING SECONDARY SOURCES

There are a number of criteria you can employ to judge the quality of secondary sources:

1. Author: What are their credentials? Is the author an expert?
2. Currency: When was it published? How recent id the information? Has it been updated or supplemented?
3. Organization: Is it easy to use? Does it have Table of Contents/ Index/ Table of Cases?
4. Book Reviews: Have there been any reviews on the book?

The answers to this assignment was mainly gotten from surfing the internet.