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COLLEGE: LAW

DEPARTMENT: LAW

COURSE CODE: LAW 102

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ASSIGNMENT: Discuss secondary sources of law in Nigeria. Times New Roman, front 12, justify your work.

REFERENCES: [www.djetlawyer.com](http://www.djetlawyer.com), [www.nyulawglobal.org](http://www.nyulawglobal.org), ar-ar.facebook.com, digitalcommons.unl.edu, etc

ANSWER

Secondary sources of law refer to those places where analyses of the law can be found, such as text books and review articles. They are usually reference materials where those seeking to learn more about the law may find explanation and analyses, and they do not have binding authority nor do they form the basis for the validity of a legal position. The 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 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. Secondary sources of law are background resources. They explain, interpret and analyze. They include encyclopedias, law reviews, treatises, restatements. Secondary sources are a good way to start research and often have citations to primary sources. Examples of secondary sources of law are:

1. Law Reports

2. Text Books and Treatises

3. Periodicals, Journals, and Legal Digests

4 .Casebooks

5. Legal Dictionaries

6. Newspapers

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 favour 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.

IN OTHER WORDS, 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 opinions of jurists and learned authors contained in law textbooks, journal,

Periodicals, dictionaries, letters, speeches, and interviews;

(d) Legal opinions contained in nullified judgments.

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.

LAW REPORTS

Law reporting is essential for the growth of case law system. There have been private, governments imitative in this direction. The Nigerian Weekly Law Reports (NWLR) by Chief Gani Fawehinmi and the All Nigerian Law Reports by the Federal Ministry of Justice amongst others are some of the well compiled and edited series.

TEXTBOOKS

Finally on points of law, especially where such points have not been previously decided in the court or where the position of the law on the point is not clear, courts may turn to textbooks by notable authors for assistance and guidance. But their books are merely persuasive. The Evidence Act specifically provides as regards customary laws that any book or manuscript recognized by natives as a legal authority is relevant. Especially books written Seasoned legal Icons.