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ASSIGNMENT

WRITE ABOUT THE SECONDARY SOURCES OF LAW IN NIGERIA.

SECONDARY SOURCES OF LAW IN NIGERIA

Secondary sources of law are derived from the primary sources of law through examination of the primary sources, critic of the primary sources or even through discussions bordering on the primary sources. They are mainly in written form. Secondary sources provide explanations to the primary sources and it uses means such as:

i. Textbooks

ii. General specialized textbooks e.g. books on legal method

iii. Journals and periodicals with their various analysis, criticisms and assessment of the primary sources.

iv. Dictionaries, Black’s law dictionary, encyclopedia’s, newspapers, digital information

v. Law reports etc.

Law Reports

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 first form of law reports in Nigeria was the Nigerian Law Reports which emerged in 1881 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, there are quite a number of law reports in circulation, among which are the following:

i. Nigerian Weekly Law Report (NWLR) since 1985;

ii. Supreme Courts of Nigeria Judgements (SCNJ)

iii. All Nigerian Law Reports (All NLR) etc.

Law Texts, Books and Treaties

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. In Nigeria, legal textbooks of refutable standards have been written by Obilade; Nwogwugwu, Aguda, among many others. All these present a potent source of Nigerian law and can provide authority where there is scanty or absence of judicial decisions, in which they could be of persuasive authorities.

Periodicals, Journals and Legal Digests

These are produced in various forms and colours in Nigeria. Some are professional while some are academic, and yet some are mixtures 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 fact, 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 of the above provide helpful guidance in interpreting Nigerian Law.

There are also few other common secondary sources like;

1. Treatises: Commentaries on a single area of law written by legal scholars and practitioners with the use of extensive analysis.
2. Restatements: Statements of rules of law of certain subjects, and are sometimes adopted by legislatures/courts as “correct”

Statements of law.

1. Legal Encyclopedias: Short narrative explanations of the law with broad coverage and alphabetically arranged by topic and divided into sub topics.