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COLLEGE/ DEPT; LAW

MATRIC NO; 19/LAW01/013

COURSE CODE; LAW 102

COURSE TITLE; LEGAL METHOD 2

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

**Introduction**;

The main reason to identify the sources of law is for the basis of legal research. Legal research is concerned with finding information contained in authoritative sources of law. Sources of law refer to where the original fact, information and rule of law could be derived. The legal sources literally refer to where, how and by what authority a particular rule is made and becomes legally effective to regulate human conduct.

*The formal sources of law include the conclusion of the country, the statutory enactments, judicial precedents and local customs. The historic source of is concerned with the revolutionary process of any particular rule or principle of law , and includes customs, moral and religious beliefs, business practices, human development , conscience or reasoning, as well as social, economic and environmental factors or circumstances that influenced the origin of any particular rule or principle f law. The literary source of law is concerned with the written documents that contain authoritative rules or principles of law and refers specifically to opinions or statements of legal rules and principles by jurists in law textbooks, statute books, law journals, law reports, law digests, periodicals, encyclopedias and legal letters. The entire body of law is derived and developed from these various sources (Beredugo, 2009).*

We can classify the sources of Nigerian law into two aspects namely, primary sources and secondary sources. The primary sources include English Law (consisting of the received English law as well the extended English law), Nigerian legislation and subsidiary enactments, Nigerian case law or judicial precedent and customary law rules, including the Islamic law where applicable. The secondary sources of Nigerian law comprise of law reports, textbooks, legal periodicals, law digests, legal dictionaries and newspapers, among others. We must quickly point out here that only the primary sources could have binding force on a court of law in Nigeria whereas the mentioned secondary sources can merely serve persuasive purposes, and are usually relied upon where no primary source is available or applicable.

Our main focus will be on the secondary sources of law but some light will be shed on the primary sources too.

* **Primary Sources of Law**

The Primary sources of Nigerian law could be referred to the fundamental sources of law that have ground and binding significance. That is to say, primary sources of law constitute ground norms, precedents and binding authorities that determine the decision or judgment of the court. There are five (5) primary sources of law identified by Beredugo (2009) and Dina, Akintayo and Ekundayo (2005) which includes:

1. The Constitution

2. Nigerian Legislation

3. Nigerian Case Law or Judicial Precedent

4. Received English Law

5. Nigerian Customary Law and Islamic law

* **Secondary Sources of Law**

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 are;

**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 oldest species 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 1916 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, we have quite a number of law reports in circulation, among which are the following. (i) Nigerian Weekly Law Reports (NWLR) published since 1985;

(ii) Supreme Court of Nigeria Judgments (SCNJ);

(iii) Law Reports of the Courts of Nigeria (LRCN);

(iv) All Nigerian Law Reports (All NLR); and

(v) Federation Weekly Law Report (FWRL)

These and many others, are also serving as sources of Nigerian law.

**Law Textbooks 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. Classical authors of outstanding textbooks on the English law include Braxton; Coke and Blackstone. Others like Dicey; Cheshire; Hood Phillips; Wade have continued to emerge over the years. In Nigeria, legal textbooks of reputable standards have been written by Obilade; Nwogwugwu; Okonkwo; Kodilinye; Aguda among many others. Professor Sagay has written extensively on international law. All these present a potent source of Nigerian law and can be authority where there is scanty or absence of judicial decisions, in which situation they could be of persuasive 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.

**Periodicals, Encyclopedias, Journals and Legal Digest**; 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. 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 facts, 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 the above provide helpful guidance in interpreting Nigerian law.

**Secondary Law** consists of sources that explain, criticize, discuss, or help locate primary law.  Examples of secondary legal sources include:

o  Legal dictionaries  
       [*Black’s Law Dictionary, Nolo’s Plain English Law Dictionary*]

o  Legal encyclopedias and digests  
        [*Gale Encyclopedia of American Law*, *American Jurisprudence,  
         Washington Digest*]  
  
o  Law reviews and journals  
       [*Virginia Law Review*, Seattle University Law Review, Yale Law Journal]

o  Legal treatises, nutshells, hornbooks, deskbooks  
       [*Criminal Law in a Nutshell, Principles of Employment Law*,  
       *American Constitutional Law, Washington Civil Procedure Deskbook*]

o  Manuals and guides on how to practice law  
       [Washington Practice, Washington Lawyers Practice Manual]