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**COURSE TITLE:** LEGAL METHOD (2).

**COURSE CODE:** LAW102.

**ASSIGNMENT:** 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 contained in these kinds of sources are diluted and persuasive which are not binding on any court of law. Secondary sources of law are less significant sources of law that carry barely persuasive legal authority or effect and are therefore not binding on any court of law according to Berdugo (2009). 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 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 judgements.

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 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 a number of law reports that have been produced. Examples are:

- (i) Nigerian Weekly Law Reports (NWLR) published since 1985;
- (ii) Law Reports of the Courts of Nigeria (LRCN);
- (iii) Supreme Court of Nigeria Judgments (SCNJ)

### **Law Textbooks and Treatises.**

Textbooks or treatise written by learned scholars and jurists, constitute a very important source of Nigerian law. Classical authors of outstanding textbooks on the English law include Braxton; Coke and Blackstone. In Nigeria, legal textbooks of reputable standards have been written by Obilade; Nwogwugwu; Okonkwo; Kodilinye; Aguda among many others. Textbooks like the Nigeria Legal Method by Ese Malemi and Introduction to the Nigerian Legal Method by Abiola Sanni amongst others. All these present an influential 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, Journals and Legal Digest.**

These are produced in various forms and colours in Nigeria. Some are professional while some are academic, and some are a mixture of both. For example, 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.

### **Legal encyclopaedia and dictionaries.**

Legal encyclopaedias contain brief, broad summaries of legal topics, providing introductions to legal topics and explaining relevant terms of art. They also provide citations to relevant primary law and sometimes give citations to relevant major law review articles. Some foreign legal dictionaries are also available in Nigeria. Some of these are Jowitt's Dictionary of English Law, Stroud's Judicial Dictionary and Blacks' law dictionary. They contain information and explanation of different legal concepts.

References:

- Malemi, E. (2012). *The Nigerian Legal Method*. Princeton Publishing Company.
- Anyim, W. Okereke, "*Research Under Nigerian Legal System: Understanding the Sources of Law for Effective Research Activities in Law Libraries*" (2019). *Library Philosophy and Practice* (e-journal). 2383. <https://digitalcommons.unl.edu/libphilprac/2383>