**NAME: ANOWURU PRINCESS LISA CHINENYE**

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**COURSE TITLE: LEGAL METHOD 2**

**COURSE CODE: LAW 102**

**ASSIGNMENT TITLE: SOURCES OF LAW**

**QUESTION**

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

**SECONDARY SOURCES OF LAW**

 The secondary sources of law is commonly regarded as subsidiary laws or delegated legislature. They are subsidiary laws because they are not made by the primary law making body. The secondary sources of law are the background resources. They explain , interpret and analyze. Secondary sources are a good way to start research and often have citations to primary sources.

 Secondary sources of law are used to help locate primary sources of law, define legal words and phrases , or help in legal research. They restate the law , but they also discuss, analyze, describe, explain or critique it as well. In other words anything that is outside the actual law is considered a secondary source. Secondary sources are persuasive while primary sources are authoritative. They are persuasive in the sense that they help to convince the judge give him reasons whole he should pass the judgement in your favour.

**Examples of secondary sources of law**

They include;

 **Legal dictionaries** :

 To assist in the interpretation of the law. E.g *Black Law’s Dictionary, Nolo’s Plain English Law Dictionary.*

**Legal Encyclopedias and Digests**:

To assist in legal research. They 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 and sometimes give citations to relevant major law review articles. *E.g Gale Encyclopedia of American Law*

**Legal reviews , legal digests and journals** : Law Journals are scholarly publications covering the legal field.  They publish articles that are comprehensive studies of current topics in law, generally written by law professors and practitioners.  The articles generally contain substantial citations to primary and secondary sources on the topic, which may lead you to additional information on the subject. These are produced in various forms and colours 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.

**Legal periodicals:**Legal periodicals are very helpful in locating cases and statutes in a particular subject area. Periodicals are also an excellent method of locating current information.  Subjects that are new or too specialized to be covered in books can often be found in periodicals. Articles in periodicals describe, analyze, and comment on the current state of the law. There are numerous types of legal periodicals available, including law school journals and law reviews, bar association journals, legal newspapers, and legal newsletters

 **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.

**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.

1. 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.

## Why are they important?

If secondary sources don’t actually establish the law, why even bother with them?

There are a number of reasons why secondary sources are so essential to the practice of law. One of the chief reasons being that secondary sources may reflect the prevailing view on how courts interpret primary sources. Some secondary sources are so authoritative that courts themselves rely on them in their rulings.

Restatements of the Law are a prime example of such an authority. Many courts are perfectly comfortable citing to a particular section of a Restatement to explain a particular legal issue. Similarly, Jury Instructions are widely relied upon by state and federal courts across the country as a highly authoritative reference when submitting instructions to the jury.

Many secondary sources have value beyond being citable in a legal argument. Specifically, many titles offer valuable insight into recent court decisions or new statutes. Some may analyze new legal authorities to break down their meaning in more digestible terms, while others may consider the potential implications of a new ruling or law. Still more secondary sources may examine topical legal trends or the current state of a particular area of law, based on recent court decisions or updates to statutes.

In short, because secondary sources reflect how the law is viewed, they are truly essential to a more comprehensive understanding of the law.

References

1 S.R. Myneni, Legal Language and Legal Writing, (1st ed.), Asia Law House, Hyderabad, 2008

(Chapter 10 p.176-182)

2 Abiola Sanni Introduction to Nigerian Legal Method