NAME : GREEN AYIBATONYE IVY

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COURSE: LEGAL METHOD [LAW 102]

SECONDARY SOURCES OF LAW

In order to properly understand the law you have to first derive the law .This is where the sources of law come into place. Sources of law refers to the where the law can be derived from or the materials to be used for legal research . They are spring-boards from which law emanates .They are the means through which the law is carried. These sources are basically divided into two categories ;

-the Primary sources of law

-the Secondary sources of law

The primary sources of law refers to the actual law .They are the sources whose provisions are binding in every court of law in Nigeria .They include;

-the constitution

-Legislation

- Judicial precedents

- received English law,

-customary and Islamic law

-and international law.

Secondary sources on the other hand refers to the materials that help explain, analyze, criticize, discuss or locate primary sources of law. Simply put secondary sources are materials made to facilitate better understanding of law . These sources assist people such as judges ,lawyers, lecturers ,law students and basically everybody who is in need of legal information .Secondary sources are written by legal expert and they generally give an overview of the law. The secondary sources of law are furnished information often derived from the actual law itself. Unlike the primary sources secondary sources help you to learn about a particular area of law and gives citations to relevant primary sources. However it is important to note that although they discuss the law they are not the actual law itself. Although they are not binding some of the materials found in the secondary sources of law can be of good value when arguing a case in the court of law. Secondary sources of law are available in both print and electronic forms. Examples of secondary sources of law in Nigeria include;

-Law reports

-Text-books

-Treatises

-Periodicals

-Journals

-Legal digest

-Casebooks

-Legal dictionaries

-Newspapers

Law reports: Law reports are a series of books that contain judicial opinion from a selection of case law decided by courts. It is the compilation of law cases. The foundation for the All Nigeria Law Report (All NLR) was laid in 1961 and as the official Law Report in Nigeria it was being published by the Federal Ministry of Justice together with the Justice Journal until the year 1990 when the publications ceased. However, in 2005, realizing its importance and relevance to the legal profession and justice sector, the Ministry sought and obtained the approval of the President to set up the Department of Law Reporting and one of the immediate functions of this, Department is to revive the publication of the All Nigeria Law Report, the Justice Journal and other legal and intellectual publications. The discontinuity of the All Nigeria Law Report between 1990 and 2005 propelled the emergence of many private law reporters who took over the business of law reporting in the country. However, due to certain deficiencies associated with these law reports published by private individuals and organizations, the Federal Government considered it necessary in 2005 to have an authentic publication of the most important decisions of the superior courts of record in Nigeria which consist of the Supreme Court of Nigeria, Court of Appeal, Federal High Courts and the High Courts of the various States.

Some examples of law reports in Nigeria include;

- ALL NLR(All Nigeria Law report),

-LRN(Law Reports Of Nigeria)

-UILR(University of Ife Law Reports )

-NCLR( Nigeria Commercial Law Reports).

Textbooks: There are textbooks which dwell on the subject of law. These books often break down the law to foster better understanding and often cite the primary sources of law for references. The way textbook are used in different levels of schooling to explain things is the same way textbooks can be used to break down the law and as mentioned earlier also cite places where the actual law can be found. .Example of textbooks that are secondary sources of law include;

-Nwazuebe B O’S A CONSTITUTIONAL HISTORY OF NIGERIA

-SANGAY I’S NIGERIAN LAW OF CONTACT ETC.

Treatises: Legal treatises provide scholarly treatment of a legal subject .They are used to clarify significant concepts in the area of law.

Journals: Law journals are scholarly publications covering the legal field .They publish articles that study current topics in law .These articles contain citations to other sources of law. Examples of law Journals in Nigeria include ;

-The Relationship of Law and Morality(B.O OKERE)

-Electronic Waste and Developing Economies(E.U .ONYEABOR)

-Trade Disputes Resolution Under Nigerian Labor Law(C.C.OBI-OCHIABUTOR)

Legal Digest: A legal digest is an index of legal propositions showing which cases support each proposition .It is a collection of summaries of reported cases arranged by subject and sub divided by jurisdiction and court.

Case books: A casebook is a type of textbook used primarily by students in law schools .A case book contains excerpts from legal cases in which the law of the area was applied

Law dictionary: A dictionary is a book that contains the meaning of various words. A legal dictionary is a book that contains the meaning of different legal terms. These dictionaries help explain .Examples of law dictionaries include;

-The Nigerian Law Dictionary

-Babablola’s Law Dictionary

Newspaper : Newspapers provide legal information that can assist a legal practitioner or a judge to understand or locate the law.