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MATRIC NUMBER: 19/LAW01/179

ASSIGNMENT: DISCUSS THE SECONDARY SOURCES OF LAW IN NIGERIA

The law is an abstract term. In order to know what comprises the law, you have to derive it from various places. These places from which the law is derived are aptly described as the sources of law. Sources of law can be definedas the places to which a legal practitioner or a judge turns to in order to answer a legal problem. They can be regarded as springboards from which law emanates. They are the various vehicles through which the law is carried. The sources of  Nigerian law can be divided into primary and secondary.

Primary sources of Nigerian law can simply be regarded as those sources whose provisions are binding on all courts throughout Nigeria. They include:

1. Received English law
2. Case law
3. Nigerian legislation
4. Customary laws.
5. International laws.

On the other hand, the secondary sources of Nigerian law are the indirect ways through which we get our law. Save for law reports, secondary sources of Nigerian law are of persuasive authority in the law courts. Law reports are only authoritative due to the fact that they serve as the vehicle through which judicial precedent is carried. Examples of secondary sources of law are:

Secondary Sources of Nigerian 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 according to Beredugo 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 Library as a Centre for Legal Research and Depository of Legal Resources

As oxygen is a necessity for human survival so is the law library to research activities. Law

library belongs to the special library category of library as it serves special research needs of lawyers

in their day-to-day business of providing legal advice, assistance, representation and other services to

the clients. Law library is the library that is found within the law firms, court, faculty of Law in

Universities, Law Schools, and other legal institutionsto serve as a research unit thatsuppliesresearch

resources, legal information services and research-support assistance to the lawyers for the day-to-

day legal operations.

According to Gusau (2017), a law library is the library set up to provide legal materials to

assist judicial officers, other members of the court and their clients in case of the court, law scholars

and students in academic institutions and other law officers in ministries, police stations and other

law related bodies. In the light of the core legal research, Miyetti Law (2019) defines law library as

a library that serves the research needs of legal practitioners, paralegals, researchers, academic

scholars and other members of the law library.

The law library is as important as the law profession itself because “Legal profession

needs information on how to determine the case, argue or represent a client before the law court, and

how to passthe law examination” (Olorunfemi and Mostert, 2012). Research in law library is dynamic

and engaging as the quality of legal advise and opinion dispensed is rooted to the knowledge of the

sources and provisions of the law. As opined by Abubakar (2005), Law library as a laboratory to the

legal profession is much more concerned with current information, its mode of access, operation,

preservation , dissemination, analysis and synthesisation which have a lot to offer to the legal

profession in their conduct of research. However, Abubakar (2005) states that the essence of any law

library is to maximise the accessibility of its resources to meet the demands of its users. The law

library is very crucial in all aspect of legal profession, it encourages scholarly research by maintaining

an environment conducive to study (The university of Lowa, 2019)

The heartbeat of every law library is the holdings of legal information resources containing

primary and secondary sources of law in its disposal.

Information Resources in Law Libraries

Law libraries are rich with numerous materials that contain sources of law. Both the primary

and secondary sources of law are predominant in the law library for research purposes. The law

library serves as a law laboratory where legal professionals resort to in search of laws or authorities

without which, it is impossible to dispense right legal advice, agreement, justice, opinion and other

legal transactions. Information resources in law library are in both print and electronic format which

contain laws and other legal related matters. With respect to the sources of law, information

resources in law library are divided into the following. categories:

• Primary Information Sources

• Secondary Information Sources

Primary Information Resources in Nigerian Law Libraries

In relation to primary sources of law discussed above, the Law library houses different kinds

of primary resources which contain information that has ground and binding significance. Meanwhile,

primary resources are legal information resources that constitute laws or ground norms, precedents

and binding authorities that determine the decision or judgment of the court. They are regarded as

primary resources because they contain primary sources of law. The materials contain first-hand legal

information that has not been diluted.

Akinyemi (2017) defines primary information resources as information resources that have

not been diluted, manipulated or rearranged. They are original in nature. Example of primary

information resources include:

• Constitution (1999 Nigerian Constitution)

• Statutes, Acts, Decrees

• Rules, Codes, Ordinances (Federal and State Government bodies)

• Parliament Debates, bills, /Proceedings (both Upper and Lower Houses)

• Gazettes (both Federal and State Governments)

• Legal Periodicals

• Government Publications (Federal, State and Local Government)

• Institutional Papers and documents of various agencies

• Treaties

• Other documents of binding significance.

• Law Reports or Court Judgments (Supreme Court, State High Courts, Tribunals, Special Courts)

There are many law reports available in Nigerian Law libraries and most of them, if not all, are

published by individuals over the years. There is no government organ solely responsible for law

reporting. The law reports are published on a commercial basis. While some are consistence with

publishing on weekly, monthly and quarterly, others could no longer continue as a result of high cost

of production.

The law reports that have been published over the years in Nigeria include the following:

Nigeria Law Report

All Federation Weekly Law Reports

All Nigeria Law Reports

Commercial Law reports

Customary law in Nigeria through the cases

Eastern Region of Nigeria Law Reports

Election Petition Reports

Failed Banks Tribunal of Nigeria Law Reports

Federal Reporter

Federation of Nigeria Law Reports

Federation Weekly Law Reports

Judgement of the Supreme Court of Nigeria

Law Reports of Nigeria

Monthly Judgments of the Supreme Court of Nigeria

Nigerian Banking Law Report

Nigerian Commercial Law Cases

Nigerian Constitutional Law Reports

Nigerian Labour Law Reports

Nigerian Monthly Law Reports

Nigerian Oil and Gas Cases

Nigerian Revenue Law Reports

Nigerian Shipping Cases

Nigerian Supreme Court Cases

Nigerian Supreme Court Quarterly Law Reports

Nigerian Weekly Law Reports

Northern Region of Nigeria Law Reports

Quarterly Law Reports of Nigeria

Sharia Law reports of Nigeria

Selected Judgments of the West African Court of Appeal (WACA)

Supreme Court of Nigeria Judgments

Supreme Court Monthly

Supreme Court Reports

Weekly Reports of Nigeria

Western Region of Nigeria Law Reports

Secondary Information Resources in Nigerian Law Libraries

Secondary information sources are the materials that contain information derived or extracted from

the primary sources of law and have undergone diluted processes or certain alterations. Akinyemi

(2017) defines secondary information sources as the information resources extracted from the

primary sources after they have been manipulated, diluted and rearranged. They include:

Text books (of different practice areas and others)

Journals /Law reviews

Law digests

Court forms (e.g. Atkins Court Form)

Practice notes

Magazines

Encyclopedias

Law dictionaries, and

Others.

Research Support-Services of the Law Libraries

Law library provides myriads of services to the patrons. Based on the purpose of this study,

attention should be given to research services provided by the law libraries other than the general

services of the law library. Having looked at the Nigerian legal system, the sources of law and

different information resources in the library, there is need to portray the basic research services of a

law library. According to Cornell University Law School (2019), The law library will help you find

the information you need by helping you select and use the proper sources depending on your needs,

resources, and location. However, as the general rule implies, research librarians do not perform

research for the users or give legal advice but only support researchers through provision of their

needed information resources that facilitate their research activities. The research services of the law

library include the following:

Research and Reference

This is the kind of services provided by the library through the law librarian. The librarian handle a

wide variety of research requests, ranging from those requiring a quick or ready answer to an

extensive or critical analysis or examination of issues and resources. No request is too small or too

large, they all required expertise and in-depth knowledge of the sources of law and in some cases, laws itself. The university of Lowa (2019) states that reference services of a law librarian include the

following: Helping patrons locate Law Library resources

• Instructing patrons in the use of library materials and electronic resources

• Suggesting appropriate resources and research strategies

• Looking up readily available information, such as legal citation verifications, addresses, or

telephone numbers

• Assisting patrons with locating resources not found in the law library collection, and

• Referring patrons to other libraries or institutions for materials

Where as Law Librarians are not allowed to perform the following services as doing these is against

the ethics of the progression:

1. Conduct legal research on patron's behalf

2. Interpret the law

3. Provide legal advice

4. Read statutes, cases, court rules, or definitions over the phone

5. Confirm that resources currently are on the shelf and available to use

Research Guidance / Training

Law library provides research guidance and training to the legal researchers on relevant material, help

develop research strategies for different kinds of research and develop research guides. The law

librarians ensure that researchers are properly guided on how to navigate various legal databases,

legal e-portals and offline legal tools.

E-Resources Access Support

Another research service of a law library is assisting researchers in both accessing and using the many

electronic resources. Most law libraries in Nigeria subscribed to varieties of legal databases of both local and foreign jurisdiction including Lawpavilion, Legalpedia, Heinonline, Bloomberg, Westlaw,

and LexisNexis, Practical law and so on.

Current Awareness

The law librarian gathers the research interest or areas of the researchers and notify them of new

resources and services that may be of interest to you. Services offered may include notification of the

changes in law or new publications notifications through emails, text messages, news feed, phone

call, fax or by words of mouth, new acquisitions notices, routing of journals issues and so on.

Document Delivery

The librarian will conduct a literature search, obtain the books, articles and other materials that the

researcher needs for his or her research. If such materials are not available in the Library, alternative

measure might be taken to obtain the resources from another library through interlibrary loan,

purchase a copy or another avenue. Once the concerned material or information is retrieved, it will

be delivered to the requester either in print or electronically, according to the researchers’ preference

(Some libraries charge a fee for this service).

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