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DEPARTMENT: Law

COURSE CODE: LAW 102

COURSE TITLE: Legal Methods II

QUESTION: Discuss secondary sources of Law in Nigeria

RESPONSE:

Secondary source of Law is simply the information that is derived from the primary sources of Law through examination of the primary sources, critique of the primary sources or even through discussions bordering on the primary sources. In other words, the secondary sources provide explanation to the primary sources. 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:

* specialized textbooks and treatises,
* journals, periodicals, and legal digests,
* dictionaries/ specialized dictionaries e.g Black’s Law Dictionary,
* encyclopedias,
* law reports,
* case books, and
* news items (newspapers, magazines, radio and tv shows).

The distinction between primary and secondary sources of law is very useful in determining authorities to follow in the law courts. If a case is brought before a court and one party uses a primary source of law as his authority while the other makes use of secondary sources, the scale of justice would tilt in favour of the person who presents primary sources of law. Secondary sources of law are only made use of whenever there are no primary sources of law to fall back on.

Legal researchers are always encouraged to begin with secondary sources such as law review articles or treatises, which are likely to lead to specific primary laws such as statutory references or case citations. Secondary sources are a great place to begin research. Although the primary sources of law- case law, statutes, regulation- establish the law on a given topic, it is often difficult to quickly locate answers in them. Secondary sources often explain legal principles more thoroughly than a single case or statute, so using them can help you save time. Secondary sources also help avoid unnecessary research since work that someone else has already done on an issue is being tapped into.

Secondary sources are particularly useful for; learning the basics of a particular area of law; understanding key terms of art in an area; identifying essential cases and statutes.