



COURSE CODE: PUL 112

COURSE TITLE: NIGERIAN LEGAL SYSTEM 1

NUMBER OF UNITS: 4 Units

COURSE DURATION: 3 hours per week.

COURSE LECTURER: Oaihimire Idemudia Edetalehn¹

TOPIC: SOURCES OF NIGERIAN LAW: THE RECEIVED ENGLISH LAW

INTENDED LEARNING OUTCOMES

At the completion of this topic, students are expected to:

1. Know what a source of law is and the Sources of Nigeria law.
2. Know the Received English Laws i.e
 - i. The Common Law
 - ii. The Doctrine of Equity and
 - iii. The Statutes of General Application as a source of law.
3. The text for the applicability of the Received English Laws in Nigeria
4. Answer questions on the topics in the interactive session.

COURSE DETAILS:

Week 1: Know what a source of law is and the Received English Laws

Week 2: The text for the applicability of the Received English laws in Nigeria

Week 3: General review of the topics and posers

RESOURCES

Lecturer's Office Hours:

Teusdays 12:30 -2:30pm.

Thursday's 12:30- 1:30pm

• **Course lecture Notes:** <http://www.edouniversity.edu.ng/oer/law.pdf>

Books

- The English Legal System 3rd Edition, by Jacqueline Martin 2007. ISBN: 0-340-848-545•
- Nigerian Legal System by Akintunde Olusegun Obilade, Sweet & Maxwell Limited. ISBN 0421 239 204
- Sources of Nigerian Law by A.E.W Park, Sweet & Maxwell Limited 1980 ISBN 0421 172703

Grading System

- Continuous Assessment 30%
- Examination 70%
- Total 100%

Any Students who submits assignment late, fail to do it or miss any test without cogent reason shall be scored zero. Seventy-five percent class attendants is a precondition to write the exam at the end of the semester.

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Note: Names of students who meet the required attendance percentage shall be published not later than two weeks to the end of the semester.

Introduction

The term sources of law among others means or use refers to the fountain of authorities of a rule of law. The sources of Nigerian law are not wholly local by reasoning of our history. The Received English Law is a source of Nigerian Law.

The Received English Laws

Following the colonization and imposition of British rule in Nigeria between 1861 & 1914. English law was introduced into different part of the country at different times by series of Proclamation & Ordinance.

The Received English Laws are:

1. The Common Law
2. The Doctrine of Equity and
3. The Statutes of General Application:

Common Law:

It actually refers to the law developed by the judges of the old common law courts of England, namely the King's Bench, i.e." the court of common pleas" and the court of exchequers from the custom of the various English communities.

The Doctrine of Equity and its Origin

Equity means the law developed, by the old body of chancery, as a result of the rigidity of the common law. It is a well established and reasonable ascertainable body of principles. It refers to the power to meet the moral standard of justice in a particular sense without actually antagonizing the common law itself.

Relationship Between Law and Equity.

While common law is the basic law of the land, equity operates within certain areas of the law to compliment or supplement pre- existing common law rule upon the same subject.

Statutes of General Application.

These are laws made by the parliaments. It is also called an enacted law of England.



English statutes operational in Nigeria are in two folds;

1. Law Enacted in England Applicable in Nigeria.

Laws enacted in England, which were to have a force of law in Nigeria as a colony and are still in force except repealed by our local legislation.

2. The Received English Statutes / Law

These are laws enacted in England but were received into our legal system by choice. The received English laws were originally enacted for England, but co-opted into our laws

The Technique for Reception.

The reception of English law into Nigeria was effected by local statute or legislation . The reception procedure in all the jurisdiction are substantially the same EXCEPT in the Western States including Edo and Delta States which did not embrace the England Statutes.

Note:

1. That the 1st of January, 1900 applies only to the Statutes of General Application.
2. S.45 of the Interpretation Act 1964 mentioned England specifically as a place of reference not the United Kingdom.
3. The laws should not be operational in all the colonies before it can be referred to as Statutes of General Application.
4. The laws should not be generally applied by all court, and must not apply to the generality or a class of people before it can be accepted as a Statute of General application.

A cursory look at the provision of S. 45 (2) of the Interpretation Act makes such imperial law subject to local jurisdiction and local circumstances.

The implication of this is that once the local circumstances does not permit the operation of a particular statutes, it will not operate in Nigeria.

Finally, the received English Statute are to be read subject to necessary verbal alteration not affecting the substance or the purpose of the enactment. S45 (3) of the Interpretation Act.



