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# Sale of Goods Act 1979

# **CHAPTER 54**

# SALE OF GOODS ACT 1979

### PART I

CONTRACTS TO WHICH ACT APPLIES

1 Contracts to which Act applies.

### PART II

FORMATION OF THE CONTRACT

Contract of sale

- 2 Contract of sale.
- 3 Capacity to buy and sell.

Formalities of contract

4 How contract of sale is made.

Subject matter of contract

- 5 Existing or future goods.
- 6 Goods which have perished.
- 7 Goods perishing before sale but after agreement to sell.

The price

- 8 Ascertainment of price.
- 9 Agreement to sell at valuation.

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#### Conditions and warranties

- 10 Stipulations about time.
- 11 When condition to be treated as warranty.
- 12 Implied terms about title, etc.
- 13 Sale by description.
- 14 Implied terms about quality or fitness.

### Sale by sample

15 Sale by sample.

#### Miscellaneous

- 15A Modification of remedies for breach of condition in non-consumer cases
- 15B Remedies for breach of contract as respects Scotland.

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### EFFECTS OF THE CONTRACT

## Transfer of property as between seller and buyer

- 16 Goods must be ascertained.
- 17 Property passes when intended to pass.
- 18 Rules for ascertaining intention.
- 19 Reservation of right of disposal.
- 20 Risk prima facie passes with property.
- 20A Undivided shares in goods forming part of a bulk.
- 20B Deemed consent by co-owner to dealings in bulk goods.

### Transfer of title

- 21 Sale by person not the owner.
- 22 Market overt.
- 23 Sale under voidable title.
- 24 Seller in possession after sale.
- 25 Buyer in possession after sale.
- 26 Supplementary to sections 24 and 25.

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# PERFORMANCE OF THE CONTRACT

- 27 Duties of seller and buyer.
- 28 Payment and delivery are concurrent conditions.
- 29 Rules about delivery.
- 30 Delivery of wrong quantity.
- 31 Instalment deliveries.
- 32 Delivery to carrier.
- 33 Risk where goods are delivered at distant place.
- 34 Buyer's right of examining the goods.
- 35 Acceptance.
- 35A Right of partial rejection.
  - 36 Buyer not bound to return rejected goods.
  - 37 Buyer's liability for not taking delivery of goods.

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- 39 Unpaid seller's rights.
- 40 Attachment by seller in Scotland.

### Unpaid seller's lien

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- 42 Part delivery.
- 43 Termination of lien.

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- 44 Right of stoppage in transit.
- 45 Duration of transit.
- 46 How stoppage in transit is effected.

### Re-sale etc. by buyer

47 Effect of sub-sale etc. by buyer.

Rescission: and re-sale by seller

48 Rescission: and re-sale by seller.

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### Seller's remedies

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- 50 Damages for non-acceptance.

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- 52 Specific performance.
- 53 Remedy for breach of warranty.
- 53A Measure of damages as respects Scotland.

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#### Interest, etc.

54 Interest, etc.

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### **SUPPLEMENTARY**

- 55 Exclusion of implied terms.
- 56 Conflict of laws.
- 57 Auction sales.
- 58 Payment into court in Scotland.
- 59 Reasonable time a question of fact.
- 60 Rights etc. enforceable by action.
- 61 Interpretation.
- 62 Savings: rules of law etc.
- 63 Consequential amendments, repeals and savings.
- 64 Short title and commencement.

#### SCHEDULES

### SCHEDULE 1 — Modification of Act for Certain Contracts

### Preliminary

1 (1) This Schedule modifies this Act as it applies to...

Section 11: condition treated as warranty

2 In relation to a contract made before 22 April 1967...

Section 12: implied terms about title etc.

3 In relation to a contract made before 18 May 1973...

Section 13: sale by description

4 In relation to a contract made before 18 May 1973,...

Section 14: quality or fitness (i)

5 In relation to a contract made on or after 18...

Section 14: quality or fitness (ii)

6 In relation to a contract made before 18 May 1973...

Section 15: sale by sample

7 In relation to a contract made before 18 May 1973,...

Section 22: market overt

8 In relation to a contract under which goods were sold...

Section 25: buyer in possession

9 In relation to a contract under which a person buys...

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### Section 35: acceptance

10 In relation to a contract made before 22 April 1967...

Section 55: exclusion of implied terms (i)

11 In relation to a contract made on or after 18...

Section 55: exclusion of implied terms (ii)

12 In relation to a contract made before 18 May 1973...

Section 56: conflict of laws

13 (1) In relation to a contract made on or after...

Section 61(1): definition of "business" (i)

14 In relation to a contract made on or after 18...

Section 61(1): definition of "business" (ii)

15 In relation to a contract made before 18 May 1973...

### 

Law Reform (Frustrated Contracts) Act 1943 (6 & 7 Geo. 6 c. 40)

2 In section 2(5)(c) of the Law Reform (Frustrated Contracts) Act...

Frustrated Contracts Act (Northern Ireland) 1947 (c. 2)

In section 2(5)(c) of the Frustrated Contracts Act (Northern Ireland)...

Hire-Purchase Act 1964 (c. 53)

4 In section 27(5) of the Hire-Purchase Act 1964 (as originally...

### Hire-Purchase Act 1965 (c. 66)

- 5 In section 20 of the Hire-Purchase Act 1965—
- 6 In section 54 of the Hire-Purchase At 1965 for "section...
- 7 In section 58(1) of the Hire-Purchase Act 1965 for "the...

### Hire-Purchase (Scotland) Act 1965 (c. 67)

- 8 In section 20 of the Hire-Purchase (Scotland) Act 1965 for...
- 9 In section 50 of the Hire-Purchase (Scotland) Act 1965 for...
- 10 In section 54(1) of the Hire-Purchase (Scotland) Act 1965 for...

### Hire-Purchase Act (Northern Ireland) 1966 (c. 42)

- 11 In section 20 of the Hire-Purchase Act (Northern Ireland) 1966—...
- 12 In section 54 of the Hire-Purchase Act (Northern Ireland) 1966...
- 13 In section 62(5) of the Hire-Purchase Act (Northern Ireland) 1966...
- 14 In section 65(1) of the Hire-Purchase Act (Northern Ireland) 1966...

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## Uniform Laws on International Sales Act 1967 (c. 45)

15 For section 1(4) of the Uniform Laws on International Sales...

Supply of Goods (Implied Terms) Act 1973 (c. 13)

- 16 In section 14(1) of the Supply of Goods (Implied Terms)...
- 17 For the definition of "consumer sale" in section 15(1) of...

# Consumer Credit Act 1974 (c. 39)

18 In section 189(1) of the Consumer Credit Act 1974, in...

# Unfair Contract Terms Act 1977 (c. 50)

- 19 In section 6 of the Unfair Contract Terms Act 1977—...
- 20 In section 14 of the Unfair Contract Terms Act 1977,...
- 21 In section 20(1)(a) and (2)(a) of the Unfair Contract Terms...
- 22 In section 25(1) of the Unfair Contract Terms Act 1977,...

SCHEDULE 3 — Repeals

SCHEDULE 4 — Savings

# Preliminary

1 In this Schedule references to the 1893 Act are to...

#### **Orders**

2 An order under section 14(8) or 25(4) above may make...

### Offences

3 Where an offence was committed in relation to goods before...

### 1893 Act. section 26

4 The repeal by this Act of provisions of the 1893...

### Things done before 1 January 1894

- 5 The repeal by this Act of section 60 of and...
- 6 In so far as the 1893 Act applied (immediately before...

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