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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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*Implied terms etc.*

- 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.

**PART III**

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.

**PART IV**

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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## **PART V**

### **RIGHTS OF UNPAID SELLER AGAINST THE GOODS**

#### *Preliminary*

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

#### *Unpaid seller's lien*

- 41 Seller's lien.
- 42 Part delivery.
- 43 Termination of lien.

#### *Stoppage in transit*

- 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.

## **PART 5A**

### **ADDITIONAL RIGHTS OF BUYER IN CONSUMER CASES**

- 48A Introductory
- 48B Repair or replacement of the goods
- 48C Reduction of purchase price or rescission of contract
- 48D Relation to other remedies etc.
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- 48F Conformity with the contract

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### **ACTIONS FOR BREACH OF THE CONTRACT**

#### *Seller's remedies*

- 49 Action for price.
- 50 Damages for non-acceptance.

#### *Buyer's remedies*

- 51 Damages for non-delivery.
- 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.

**PART VII**

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.

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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...

SCHEDULE 2 — Consequential Amendments

1 . . . . .

*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)*

3 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 Act 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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