



# Sale of Goods Act 1893

## CHAPTER 71

### SALE OF GOODS ACT 1893

#### PART I

##### FORMATION OF THE CONTRACT

###### *Contract of Sale*

- 1 Sale and agreement to sell
- 2 Capacity to buy and sell

###### *Formalities of the Contract*

- 3 Contract of sale, how made
- 4 Contract of sale for ten pounds and upwards

###### *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

###### *Conditions and Warranties*

- 10 Stipulations as to time
- 11 When condition to be treated as warranty
- 12 Implied undertaking as to title, &c
- 13 Sale by description

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- 14 Implied conditions as to quality or fitness

*Sale by Sample*

- 15 Sale by sample

**PART II**

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

*Transfer of Title*

- 21 Sale by person not the owner  
22 Market overt  
23 Sale under voidable title  
24 Revesting of property in stolen goods on conviction of offender  
25 Seller or buyer in possession after sale  
26 Effect of writs of execution

**PART III**

PERFORMANCE OF THE CONTRACT

- 27 Duties of seller and buyer  
28 Payment and delivery are concurrent conditions  
29 Rules as to 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  
36 Buyer not bound to return rejected goods  
37 Liability of buyer for neglecting or refusing delivery of goods

**PART IV**

RIGHTS OF UNPAID SELLER AGAINST THE GOODS

- 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

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

*Stoppage in Transitu*

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

*Re-sale by Buyer or Seller*

- 47 Effect of sub-sale or pledge by buyer
- 48 Sale not generally rescinded by lien or stoppage in transitu

**PART V**

ACTIONS FOR BREACH OF THE CONTRACT

*Remedies of the Seller*

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

*Remedies of the Buyer*

- 51 Damages for non-delivery
- 52 Specific performance
- 53 Remedy for breach of warranty
- 54 Interest and special damages

**PART VI**

SUPPLEMENTARY

- 55 Exclusion of implied terms and conditions
- 56 Reasonable time a question of fact
- 57 Rights and duties under Act enforceable by action
- 58 Auction sales
- 59 Payment into court in Scotland when breach of warranty alleged
- 60 Repeals
- 61 Savings
- 62 Interpretation of terms
- 63 Commencement
- 64 Short title

---

SCHEDULE —