



# Sale of Goods Act 1979

## 1979 CHAPTER 54

### PART II U.K.

#### FORMATION OF THE CONTRACT

##### *Contract of sale*

### 3 Capacity to buy and sell. U.K.

- (1) Capacity to buy and sell is regulated by the general law concerning capacity to contract and to transfer and acquire property.
- (2) Where necessaries are sold and delivered [<sup>F1</sup>to a minor or] to a person who by reason of [<sup>F2</sup>mental incapacity or] drunkenness is incompetent to contract, he must pay a reasonable price for them.
- (3) In subsection (2) above “necessaries” means goods suitable to the condition in life of the [<sup>F1</sup> minor or other] person concerned and to his actual requirements at the time of the sale and delivery.

#### Textual Amendments

- F1** Words in s. 3(2)(3) repealed (S.) (25.9.1991) by [Age of Legal Capacity \(Scotland\) Act 1991 \(c. 50, SIF 49:8\)](#), ss. 10, 11(2), [Sch. 2](#)
- F2** Words in s. 3(2) ceased to have effect (E.W.) (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), ss. 67(1), 68, [Sch. 6 para. 24](#) (with ss. 27-29, 62); S.I. 2007/1897, [art. 2\(1\)](#)

**Changes to legislation:**

Sale of Goods Act 1979, Section 3 is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 3(2) words repealed by [2016 c. 18 \(N.I.\) Sch. 11](#)