



Sale of Goods Act 1979

1979 CHAPTER 54

PART V

RIGHTS OF UNPAID SELLER AGAINST THE GOODS

Rescission: and re-sale by seller

48 Rescission: and re-sale by seller.

- (1) Subject to this section, a contract of sale is not rescinded by the mere exercise by an unpaid seller of his right of lien or retention or stoppage in transit.
- (2) Where an unpaid seller who has exercised his right of lien or retention or stoppage in transit re-sells the goods, the buyer acquires a good title to them as against the original buyer.
- (3) Where the goods are of a perishable nature, or where the unpaid seller gives notice to the buyer of his intention to re-sell, and the buyer does not within a reasonable time pay or tender the price, the unpaid seller may re-sell the goods and recover from the original buyer damages for any loss occasioned by his breach of contract.
- (4) Where the seller expressly reserves the right of re-sale in case the buyer should make default, and on the buyer making default re-sells the goods, the original contract of sale is rescinded but without prejudice to any claim the seller may have for damages.

Status:

Point in time view as at 01/10/2007.

Changes to legislation:

There are currently no known outstanding effects for the Sale of Goods Act 1979, Section 48.