



# Sale of Goods Act 1893

1894 CHAPTER 71 56 and 57 Vict

## PART II

### EFFECTS OF THE CONTRACT

#### *Transfer of Title*

#### **21 Sale by person not the owner**

- (1) Subject to the provisions of this Act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.
- (2) Provided also that nothing in this Act shall affect—
  - (a) The provisions of the Factors Acts, or any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof;
  - (b) The validity of any contract of sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.

#### **22 Market overt**

- (1) Where goods are sold in market overt, according to the usage of the -market, the buyer acquires a good title to the goods, provided he buys them in good faith and without notice of any defect or want of title on the part of the seller.
- (2) Nothing in this section shall affect the law relating to the sale of horses.
- (3) The provisions of this section do not apply to Scotland.

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## **23 Sale under voidable title**

When the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith and without notice of the seller's defect of title.

## **24 Revesting of property in stolen goods on conviction of offender**

- (1) Where goods have been stolen and the offender is prosecuted to conviction, the property in the goods so stolen reverts in the person who was the owner of the goods, or his personal representative, notwithstanding any intermediate dealing with them, whether by sale in market overt or otherwise.
- (2) Notwithstanding any enactment to the contrary, where goods have been obtained by fraud or other wrongful means not amounting to larceny, the property in such goods shall not revert in the person who was the owner of the goods, or his personal representative, by reason only of the conviction of the offender.
- (3) The provisions of this section do not apply to Scotland.

## **25 Seller or buyer in possession after sale**

- (1) Where a person having sold goods continues or is in possession of the goods, or of the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person receiving the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorised by the owner of the goods to make the same.
- (2) Where a person having bought or agreed to buy goods obtains, with the consent of the seller, possession of the goods or the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title, under any sale, pledge, or other disposition thereof, to any person receiving the same in good faith and without notice of any lien or other right of the original seller in respect of the goods, shall have the same effect as if the person making the delivery or transfer were a mercantile agent in possession of the goods or documents of title with the consent of the owner.
- (3) In this section the term “mercantile agent” has the same meaning as in the Factors Acts.

## **26 Effect of writs of execution**

- (1) A writ of fieri facias or other writ of execution against goods shall bind the property in the goods of the execution debtor as from the time when the writ is delivered to the sheriff to be executed; and, for the better manifestation of such time, it shall be the duty of the sheriff, without fee, upon the receipt of any such writ to endorse upon the back thereof the hour, day, month, and year when he received the same.

Provided that no such writ shall prejudice the title to such goods acquired by any person in good faith, and for valuable consideration, unless such person had at the time when he acquired his title notice that such writ or any other writ by virtue of which

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the goods of the execution debtor might be seized or attached had been delivered to and remained unexecuted in the hands of the sheriff.

- (2) In this section the term “sheriff” includes any officer charged with the enforcement of a writ of execution.
- (3) The provisions of this section do not apply to Scotland.