



Sale of Goods Act 1979

1979 CHAPTER 54

PART II

FORMATION OF THE CONTRACT

Contract of sale

3 Capacity to buy and sell.

- (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 [^{F1}to a minor or] to a person who by reason of 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 [^{F1} 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- F1** Words in s. 3(2)(3) repealed (S.) (25.9.1991) by [Age of Legal Capacity \(Scotland\) Act 1991 \(c. 50, SIF 49:8\)](#), ss. 10, 11(2), [Sch. 2](#)

Status:

Point in time view as at 25/09/1991. This version of this provision has been superseded.

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 04 April 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.