



# Sale of Goods Act 1979

## 1979 CHAPTER 54

### PART VI

#### ACTIONS FOR BREACH OF THE CONTRACT

##### *Buyer's remedies*

#### <sup>F1</sup>**[53A Measure of damages as respects Scotland.**

- (1) The measure of damages for the seller's breach of contract is the estimated loss directly and naturally resulting, in the ordinary course of events, from the breach.
- (2) Where the seller's breach consists of the delivery of goods which are not of the quality required by the contract and the buyer retains the goods, such loss as aforesaid is prima facie the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had fulfilled the contract.

[ This section does not apply to a contract to which Chapter 2 of Part 1 of the Consumer <sup>F2</sup>(2A) Rights Act 2015 applies (but see the provision made about such contracts in section 19 of that Act).]

- (3) This section applies to Scotland only.]

#### **Textual Amendments**

**F1** S. 53A inserted (3.1.1995) by 1994 c. 35, ss. 5(3), 8(2) (with s. 8(3)).

**F2** S. 53A(2A) inserted (1.10.2015) by Consumer Rights Act 2015 (c. 15), s. 100(5), Sch. 1 para. 31; S.I. 2015/1630, art. 3(g) (with art. 6(1))

**Changes to legislation:**

There are currently no known outstanding effects for the Sale of Goods Act 1979, Section 53A.