



Sale and Supply of Goods Act 1994

1994 CHAPTER 35

Provisions relating to the United Kingdom

2 Acceptance of goods and opportunity to examine them

- (1) In section 35 of the Sale of Goods Act 1979 (acceptance) for the words from “when he intimates” to “(2)” there is substituted—

“subject to subsection (2) below—

- (a) when he intimates to the seller that he has accepted them, or
 - (b) when the goods have been delivered to him and he does any act in relation to them which is inconsistent with the ownership of the seller.
- (2) Where goods are delivered to the buyer, and he has not previously examined them, he is not deemed to have accepted them under subsection (1) above until he has had a reasonable opportunity of examining them for the purpose—
- (a) of ascertaining whether they are in conformity with the contract, and
 - (b) in the case of a contract for sale by sample, of comparing the bulk with the sample.
- (3) Where the buyer deals as consumer or (in Scotland) the contract of sale is a consumer contract, the buyer cannot lose his right to rely on subsection (2) above by agreement, waiver or otherwise.
- (4) The buyer is also deemed to have accepted the goods when after the lapse of a reasonable time he retains the goods without intimating to the seller that he has rejected them.
- (5) The questions that are material in determining for the purposes of subsection (4) above whether a reasonable time has elapsed include whether the buyer has had a reasonable opportunity of examining the goods for the purpose mentioned in subsection (2) above.
- (6) The buyer is not by virtue of this section deemed to have accepted the goods merely because—

Status: This is the original version (as it was originally enacted).

- (a) he asks for, or agrees to, their repair by or under an arrangement with the seller, or
 - (b) the goods are delivered to another under a sub-sale or other disposition.
- (7) Where the contract is for the sale of goods making one or more commercial units, a buyer accepting any goods included in a unit is deemed to have accepted all the goods making the unit; and in this subsection “commercial unit” means a unit division of which would materially impair the value of the goods or the character of the unit.
- (8)”.
 - (2) In section 34 of that Act (buyer to have opportunity to examine goods)—
 - (a) the words from the beginning to “(2)” are repealed; and
 - (b) at the end of that section there is inserted “and, in the case of a contract for sale by sample, of comparing the bulk with the sample.”