



Supply of Goods and Services Act 1982

1982 CHAPTER 29

PART III

SUPPLEMENTARY

17 Minor and consequential amendments.

^{F1}(1)

(2) The following subsection shall be inserted after section 7(3) of the 1977 Act :—

“(3A) Liability for breach of obligations arising under section 2 of the Supply of Goods and Services Act 1982 (implied terms about title etc. in certain contracts for the transfer of the property in goods) cannot be excluded or restricted by reference to any such term.”

(3) In consequence of subsection (2) above, in section 7(4) of the 1977 Act, after “cannot” there shall be inserted “ (in a case to which subsection (3A) does not apply) ”.

Textual Amendments

F1 S. 17(1) repealed (3.1.1995) by 1994 c. 35, ss. 7, 8(2), Sch. 3 (with s. 8(3))

Modifications etc. (not altering text)

C1 The text of s. 17 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

18 Interpretation: general.

(1) In the preceding provisions of this Act and this section—

“bailee”, in relation to a contract for the hire of goods means (depending on the context) a person to whom the goods are bailed under the contract, or a person to whom they are to be so bailed, or a person to whom the rights under the contract of either of those persons have passed;

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“bailor”, in relation to a contract for the hire of goods, means (depending on the context) a person who bails the goods under the contract, or a person who agrees to do so, or a person to whom the duties under the contract of either of those persons have passed;

“business” includes profession and the activities of any government department or local or public authority;

“credit-broker” means a person acting in the course of a business of credit brokerage carried on by him;

“credit brokerage” means the effecting of introductions—

- (a) of individuals desiring to obtain credit to persons carrying on any business so far as it relates to the provision of credit; or
- (b) of individuals desiring to obtain goods on hire to persons carrying on a business which comprises or relates to the bailment [^{F2}or as regards Scotland the hire]of goods under a contract for the hire of goods; or
- (c) of individuals desiring to obtain credit, or to obtain goods on hire, to other credit-brokers;

“enactment” means any legislation (including subordinate legislation) of the United Kingdom or Northern Ireland;

“goods” [^{F3}includes all personal chattels, other than things in action and money, and as regards Scotland all corporeal moveables; and in particular “goods” includes] emblements, industrial growing crops, and things attached to or forming part of the land which are agreed to be severed before the transfer [^{F3}bailment or hire]concerned or under the contract concerned ^{F4}. . . ;

“hire-purchase agreement” has the same meaning as in the 1974 Act;

[^{F5}“producer” means the manufacturer of goods, the importer of goods into the European Economic Area or any person purporting to be a producer by placing his name, trade mark or other distinctive sign on the goods;]

^{F5}“property”, in relation to goods, means the general property in them and not merely a special property;

^{F6} . . .

^{F7}

[^{F8}“repair” means, in cases where there is a lack of conformity in goods for the purposes of this Act, to bring the goods into conformity with the contract.]

^{F8F7}

“transferee”, in relation to a contract for the transfer of goods, means (depending on the context) a person to whom the property in the goods is transferred under the contract, or a person to whom the property is to be so transferred, or a person to whom the rights under the contract of either of those persons have passed;

“transferor”, in relation to a contract for the transfer of goods, means (depending on the context) a person who transfers the property in the goods under the contract, or a person who agrees to do so, or a person to whom the duties under the contract of either of those persons have passed.

(2) In subsection (1) above, in the definitions of bailee, bailor, transferee and transferor, a reference to rights or duties passing is to their passing by assignment [^{F9}assignment], operation of law or otherwise.

[^{F10}(3) For the purposes of this Act, the quality of goods includes their state and condition and the following (among others) are in appropriate cases aspects of the quality of goods—

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- (a) fitness for all the purposes for which goods of the kind in question are commonly supplied,
 - (b) appearance and finish,
 - (c) freedom from minor defects,
 - (d) safety, and
 - (e) durability.
- (4) References in this Act to dealing as consumer are to be construed in accordance with Part I of the Unfair Contract Terms Act 1977; and, for the purposes of this Act, it is for the transferor or bailor claiming that the transferee or bailee does not deal as consumer to show that he does not.]

Textual Amendments

- F2** Words in s. 18(1) in para. (b) of the definition of "credit-brokerage" inserted (3.1.1995) by 1994 c. 35, ss. 6, 8(2), **Sch. 1 para. 2(a)** (with s. 8(3))
- F3** Words in s. 18(1) in the definition of "goods" substituted (3.1.1995) by 1994 c. 35, ss. 6, 8(2), **Sch. 1 para. 2(b)(i)(ii)** (with s. 8(3))
- F4** Words in s. 18(1) in the definition of "goods" repealed (3.1.1995) by 1994 c. 35, ss. 6, 7, 8(2), **Sch. 1 para. 2(b)(iii)**, **Sch.3** (with s. 8(3))
- F5** Definition of "producer" in s. 18(1) inserted by (31.3.2003) by The Sale and Supply of Goods to Consumers Regulations 2002 (S.I. 2002/3045), **reg. 12(2)**
- F6** In s. 18 the definition of "quality" repealed (3.1.1995) by 1994 c. 35, s. 7, **Sch. 2 para. 6(10)**, **Sch. 3**
- F7** S. 18: definitions repealed (E.W.S.) (6.4.2005) by The Regulatory Reform (Trading Stamps) Order 2005 {S.I. 2005/871}, {art. 5(e)}; (N.I.) (15.11.2005) by The Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2005 (S.I. 2005/1452 (N.I. 7)), arts. 21(2)(c), 24, **Sch. 2**; S.R. 2005/494, **art. 2(1)(b)(d)**
- F8** Definition of "repair" in s. 18(1) inserted (31.3.2003) by The Sale and Supply of Goods to Consumers Regulations 2002 (S.I. 2002/3045), **reg. 12(2)**
- F9** Words in s. 18(2) inserted (3.1.1995) by 1994 c. 35, ss. 6, 8(2), **Sch. 1 para.3** (with s. 8(3))
- F10** S. 18(3)(4) inserted (3.1.1995) by 1994 c. 35, ss. 7, 8(2), **Sch. 2 para. 6(10)** (with s. 8(3))

19 Interpretation: references to Acts.

In this Act—

- “the 1973 Act” means the ^{M1}Supply of Goods (Implied Terms) Act 1973;
- “the 1974 Act” means the ^{M2}Consumer Credit Act 1974;
- “the 1977 Act” means the ^{M3}Unfair Contract Terms Act 1977; and
- “the 1979 Act” means the ^{M4}Sale of Goods Act 1979.

Marginal Citations

- M1** 1973 c. 13.
M2 1974 c. 39.
M3 1977 c. 50.
M4 1979 c. 54

20 Citation, transitional provisions, commencement and extent.

- (1) This Act may be cited as the Supply of Goods and Services Act 1982.

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- (2) The transitional provisions in the Schedule to this Act shall have effect.
- (3) Part I of this Act together with section 17 and so much of sections 18 and 19 above as relates to that Part shall not come into operation until 4th January 1983; and Part II of this Act together with so much of sections 18 and 19 above as relates to that Part shall not come into operation until such day as may be appointed by an order made by the Secretary of State.
- (4) The power to make an order under subsection (3) above shall be exercisable by statutory instrument.
- (5) No provision of this Act applies to a contract made before the provision comes into operation.
- (6) This Act [^{F11}except Part IA, which extends only to Scotland]extends to Northern Ireland [^{F12}and Parts I and II do not extend] to Scotland.

Textual Amendments

F11 Words in s. 20(6) inserted (3.1.1995) by 1994 c. 35, ss. 6, 8(2), **Sch. 1 para. 4** (with s. 8(3))

F12 Words in s. 20(6) substituted (3.1.1995) by 1994 c. 35, ss. 6, 8(2), **Sch. 1 para.4** (with s. 8(3))

Modifications etc. (not altering text)

C2 Power of appointment conferred by s. 20(3) fully exercised: 4.7.1983 appointed by **S.I. 1982/1770, art. 2**

Status:

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Changes to legislation:

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