

No. 39 of 1975

AN ORDINANCE

To amend the *Sale of Goods Ordinance 1954-1967*.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this thirtieth day of October, 1975.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

GORDON M. BRYANT
Minister of State for the Capital Territory.

SALE OF GOODS ORDINANCE 1975

1. (1) This Ordinance may be cited as the *Sale of Goods Ordinance 1975*.^{*} Short title and citation.

(2) The *Sale of Goods Ordinance 1954-1967*[†] is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance, as amended by this Ordinance, may be referred to as the *Sale of Goods Ordinance 1954-1975*.

2. Section 9 of the Principal Ordinance is repealed.

Contracts for sale of \$20 and upwards.

3. Section 16 of the Principal Ordinance is amended by omitting sub-section (4) and substituting the following sub-section:— When condition to be treated as warranty.

“(4) Where a contract of sale is not severable and the buyer has accepted the goods or part of them, the breach of a condition to be fulfilled by the seller can be treated only as a breach of warranty and not as a ground for rejecting the goods and treating the contract as repudiated unless there is a term of the contract express or implied to that effect.”

4. Section 39 of the Principal Ordinance is amended by omitting the words “The buyer” and substituting the words “Subject to section 38, the buyer”. Acceptance.

^{*} Notified in the *Australian Government Gazette* on 31 October 1975.
[†] Ordinance No. 15, 1954, as amended by No. 19, 1966; and No. 25, 1967.

Savings.

5. Section 62 of the Principal Ordinance is amended by inserting after sub-section (1) the following sub-section:—

“(1A) Nothing in this Ordinance affects, or shall be deemed at any time to have affected, any remedy in equity of the buyer or the seller in respect of a misrepresentation.”.