

The Contract and Commercial Law Act 2017

The Contract and Commercial Law Act 2017 ([Act](#)) comes into force on 1 September 2017. The Act is intended to re-enact, in an up-to-date and accessible form, a number of contract and commercial statutes. The statutes to be repealed by, and consolidated within, the Act are:

- Carriage of Goods Act 1979
- Contracts (Privity) Act 1982
- Contractual Mistakes Act 1977
- Contractual Remedies Act 1979
- Electronic Transactions Act 2002
- Frustrated Contracts Act 1944
- Illegal Contracts Act 1970
- Minors' Contracts Act 1969
- Sale of Goods Act 1908
- Sale of Goods (United Nations Convention) Act 1994
- Wages Protection and Contractors' Liens Act Repeal Act 1987
- Mercantile Law Act 1908 (other than Part 5) and the Mercantile Law Amendment Act 1922

Although the title of the Act suggests an overhaul of all contract and commercial legislation, a number of key commercial statutes, including the Fair Trading Act 1986 and the Personal Property Securities Act 1999, are excluded from the Act's revisions.

Structure of the Act

The repealed statutes are re-configured in the Act as follows:

Repealed Act	Contract and Commercial Law Act 2017 equivalent
Contracts (Privity) Act 1982	Part 2 Subpart 1, sections 10 – 20
Contractual Mistakes Act 1977	Part 2 Subpart 2, sections 21 – 32
Contractual Remedies Act 1979	Part 2 Subpart 3, sections 33 – 59
Frustrated Contracts Act 1944	Part 2 Subpart 4, sections 60 – 69
Illegal Contracts Act 1970	Part 2 Subpart 5, sections 70 – 84
Minors' Contracts Act 1969	Part 2 Subpart 6, sections 85 - 117
Sale of Goods Act 1908	Part 3 Subparts 1 – 6, sections 119 – 201
Sale of Goods (United Nations Convention) Act 1994	Part 3 Subpart 7, sections 202 – 206
Electronic Transactions Act 2002	Part 4, sections 207 – 240
Carriage of Goods Act 1979	Part 5 Subpart 1, sections 246 – 295
Mercantile Law Act 1908	Part 5 Subpart 2 - 4, sections 296 – 340
Wages Protection and Contractors' Liens Act Repeal Act 1987	Part 5 Subpart 5, sections 341 - 344

(NB: for a detailed comparative table see Schedule 3 of the Act)

The Contract and Commercial Law Act 2017 (Continued)

Substantive changes

The Act is predominantly a project in consolidation and modernisation. The substantive law behind the repealed statutes is, for the most part, unchanged.

The Act's provisions generally replicate their predecessors. However, the language of some provisions has been updated to be more user-friendly. Additionally, some minor amendments have been made to a limited number of provisions, including those relating to the sale of goods and contractual mistakes, in order to clarify Parliament's intent or reconcile inconsistencies. Full details of these amendments can be found in Schedule 2 of the Act.

Looking ahead

The Act will apply to all contracts entered into on or after 1 September 2017. Contracts entered into before to this will be subject to the Act's updated language but otherwise remain governed by the original laws.

From a practical perspective, the Act's imminent introduction provides the opportune time to review and update any precedent documents that specifically reference the repealed statutes.

If you would like further information or require any assistance transitioning to the Act, please contact our [Corporate and Commercial team](#).