

BUYER'S REMEDIES – IS THE CONVENTION ON THE INTERNATIONAL SALE OF GOODS MORE USEFUL THAN ENGLISH LAW?

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Abstract: *The United Nations Convention on the International Sale of Goods (CISG), which has been adopted by 95 countries, provides rules on international sales transactions. Despite the widespread distribution of the CISG to over two-thirds of the world's trade, the United Kingdom (UK) has maintained its own regime, which is contained mainly in the Sale of Goods Act 1979. There are, of course, conflicts between the CISG and the national law of the UK. This article, within its research scope, discusses the remedies of the buyer under each respective regime and assesses the effectiveness of the buyer's remedies under the CISG in comparison with those offered by English law. While the former still has the question of legal certainty, which the latter seeks to gain in determining the consequences of a breach by the seller, the value of the Convention lies in offering contracting parties a common frame of reference to address the lack of national law in dealing with changes in the international sale of goods.*

Keywords: Buyer's remedies; CISG; English law; international sale of goods

Received: 23 March 2023

Editing completed: 28 June 2024

Accepted for publication: 28 June 2024

1. An overview of buyer's remedies under the International Sale of Goods and English Law

In international sales of goods, when the seller fails to perform his obligations, there are a range of remedies to protect the buyer—the injured party. However, the number as well as the details of remedies vary under the Convention on the International Sale of Goods (CISG) and English law. To be more specific, the CISG provides a wider range of remedies than those offered by the Sale of Goods Act 1979 (SGA 1979).

The buyer—the plaintiff of a breach of a contract—can invoke remedies that are set out mainly in article 28, articles 45-52, and articles 74-77 of the CISG. Generally, buyers are entitled to the following remedies: specific

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