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CISG in the UK: Overcoming the fundamental inconsistencies between the CISG 1980 and the English Sales of Goods Act 1979 and ultimately paving a path to the implementation of the CISG

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ABSTRACT

Decades after the development of the CISG – a process in which the UK was intimately involved – it still remains not implemented in the British trade law system. A number of theories have been put forward to explain or even justify this failure, including a lack of urgency, concerns about the CISG framework and fundamental inconsistencies with the UK sale of goods system. Indeed, the maintenance of the status quo has received a considerable amount of academic coverage in a number of areas. One aspect which has been relatively under-considered however is whether a modified model could be adopted which avoided some of the legally problematic aspects through embracing a limited exception. The models adopted in Australia and Singapore, which have incorporated limited but important exceptions, provide examples of this. Therefore this piece will investigate the legal feasibility of the UK adopting a modified version of the CISG which avoids some of the fundamental inconsistencies which have sustained the status quo.

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