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It is clear from the provision of the Act that a warranty is less important than a condition. A condition is of more importance than a warranty. A term which is only collateral to the main purpose of the contract is a warranty.

However, Monye²⁷ is of the opinion that contrary to the impression created by this provision, a warranty is a term of the contract and something collateral to it. Atiyah²⁸ notes in this regard that the term collateral, though hallowed by usage, is not very happily chosen, for it may give the impression that a warranty is a term which is somehow outside the contract; whereas it is in fact part of a term of the contract. The use of the word collateral may be useful in distinguishing between a condition and warranty. Sagay²⁹ states that a warranty is collateral to the main purpose of the contract, a condition must at least be essential to it.

In the interest of promoting higher standards in the marketplace, the law imposes certain responsibilities on the seller for the quality, character and suitability of the goods sold. The duties that a seller of goods owes his customer are the terms implied by the Act. An implied condition is a term created by operation of law rather than the seller's express statements. The terms implied by the Act are the right to sell, compliance with description, fitness for purpose, merchantable quality and compliance with sample. In practice, it is the implied terms of description, merchantable quality and fitness that are the most important of these provisions for product liability. In this work, the implied condition as to title shall not be discussed since product liability is concerned with health and safety of the consumers.

3.01 Implied Conditions: An Introduction

In the absence of any contrary agreement, the following conditions will be statutorily implied in every contract of sale of goods:

1. That the seller, in the case of a sale has the right to sell, and that in the case of agreement to sell, he will have a right to sell goods at the time the property is to pass.³⁰ In *Roulard vs. Divall*,³¹ S sold a car to B who used it for about three months and had to return it to the owner because it turned out to be a stolen car.

²⁷ F.N. Monye, *Law of Consumer Protection* (Ibadan: Spectrum Books Ltd, 2005) p. 196.

²⁸ P.S. Atiyah, *The Sale of Goods* (London: Pitman, 1995), p.63.

²⁹ I.E. Sagay, *Nigerian Law of Contract*, 2nd ed (Ibadan: Spectrum Books Ltd, 2000), p. 100.

³⁰ Section 12 (1) of Sale of Goods Act 1893. See *Akoshile vs. Ogidan* (1950) 19 NLR 87.

³¹ *Supra*.

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the question is on Law of Contract, does it relate to formation of contract, capacity or discharge? ... (b) Freedom to contract: To a large extent, a party is also free to decide the acceptable terms on which is ... 15See Sagay, op. cit., pp. 2-3. 16B.. This Article is brought to you for free and open access by the Law ... Where any right, duty or liability would arise under a contract of ... [1972] 2 U.L.L.R. 34, reprinted in SAGAY, A CASEBOOK ON THE NIGERIAN LAW OF.

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It is an agreement that creates a legal duty or responsibility. ... And again, as a document signed by both parties, a contract is enforceable in a court of law. JotForm's PDF contract templates are editable which means you can adjust the overall 14 I.E. Sagay, Nigerian Law of Succession Principles, Cases Statutes and. Commentaries ... customary law contracts a marriage in accordance with the provisions of ... a time when his father was free to marry who he chose, is to be regarded Nigerian Law Of Contract By Sagay Pdf Free. Contract Law By Sagay Nigerian law of contract pdf - WordPress.com Introduction To Topology.

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