

---

STATUTORY INSTRUMENTS

---

**1998 No. 1071 (N.I. 6)**

Family Homes and Domestic Violence  
(Northern Ireland) Order 1998

- - - - 22nd April 1998

FAMILY HOMES AND DOMESTIC VIOLENCE  
(NORTHERN IRELAND) ORDER 1998

Introductory Title and commencement (1) This Order may be cited as the Family Homes...

*Introductory*

1. Title and commencement
2. Interpretation
3. Meaning of “cohabitees”, “relevant child” and “associated persons”

*Rights to occupy matrimonial or civil partnership home*

4. Rights concerning home where one spouse or civil partner has no estate, etc.
5. Effect of home rights as charge on dwelling-house
6. Registration, etc. of matrimonial or civil partnership charge
7. Restriction on registration where spouse entitled to more than one matrimonial or civil partnership charge
8. Cancellation of registration of matrimonial or civil partnership charge before completion of disposal of dwelling-house
9. Cancellation of registration after termination of marriage or civil partnership, etc.
10. Release of matrimonial or civil partnership home rights and postponement of priority of matrimonial or civil partnership charge

*Occupation orders*

11. Occupation orders where applicant has estate, etc. or has home rights
12. Effect of order under Article 11 where rights are a charge on dwelling-house
13. One former spouse or former civil partner with no existing right to occupy
14. One cohabitee or former cohabitee with no existing right to occupy
15. Neither spouse or civil partner entitled to occupy

**Changes to legislation:** *Family Homes and Domestic Violence (Northern Ireland) Order 1998 is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

16. Neither cohabitee nor former cohabitee entitled to occupy
17. Supplementary provisions
18. Additional provisions that may be included in occupation orders  
Art. 19 rep. by 2005 NI 7

*Non-molestation orders*

20. Non-molestation orders

*Further provisions relating to occupation and non-molestation orders*

21. Leave of court required for applications by children under 16
22. Evidence of agreement to marry or form a civil partnership
23. Ex parte orders
24. Variation and discharge of orders

*Enforcement*

25. Offences
26. Power of arrest without warrant
27. Further powers of court of summary jurisdiction

*Orders under the Children (Northern Ireland) Order 1995*

28. Residence and contact orders
29. Interim care orders and emergency protection orders

*Transfer of tenancies*

30. Transfer of certain tenancies

*Dwelling-house subject to mortgage*

31. Dwelling-house subject to mortgage
32. Actions by mortgagees: joining connected persons as parties
33. Actions by mortgagees: service of notice on certain persons

*Jurisdiction and procedure, etc.*

34. Jurisdiction of courts and procedure
35. Provision for third parties to act on behalf of victims of domestic violence
36. Provision for separate representation for children
37. Contempt proceedings
38. Courts of summary jurisdiction
39. Appeals
40. Orders and regulations
41. Amendments, saving and transitional provisions, and repeals

---

SCHEDULES

SCHEDULE 1 — PROVISIONS CONSEQUENTIAL ON ORDER OPERATING TO RESTRAIN DISPOSITIONS

1. An occupation order (“the order”) to the extent that by virtue of Article 11(3)(j),...

**Changes to legislation:** *Family Homes and Domestic Violence (Northern Ireland) Order 1998 is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

2. (1) The registration of a statutory charge such as is mentioned in paragraph 1 shall...
3. When the registration has ceased to have effect the Registrar of Titles may cancel it.
4. An application for the renewal of the registration of a charge may be made in...

SCHEDULE 2 — TRANSFER OF CERTAIN TENANCIES ON DIVORCE ETC. OR  
ON SEPARATION OF COHABITEES  
PART I — GENERAL

*Interpretation*

1. (1) In this Schedule the following words and expressions have the same meaning as in...

*Cases in which court may make order*

2. (1) This paragraph applies if one spouse or civil partner is entitled, either in his...
3. (1) This paragraph applies if one cohabitee is entitled, either in his own right or...
4. (1) The court shall not make a Part II order unless the dwelling-house is or...

*Matters to which court must have regard*

5. In determining whether to exercise its powers under Part II and, if so, in what...

PART II — ORDERS THAT MAY BE MADE

*References to entitlement to occupy*

6. References in this Part to a spouse , civil partner or a cohabitee being entitled...

*Protected or secure tenancy*

7. (1) If a spouse , civil partner or cohabitee is entitled to occupy the dwelling-house...

*Statutory tenancy*

8. (1) This paragraph applies if the spouse , civil partner or cohabitee is entitled to...

PART III — SUPPLEMENTARY PROVISIONS

**Changes to legislation:** *Family Homes and Domestic Violence (Northern Ireland) Order 1998 is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

#### *Compensation*

9. (1) If the court makes a Part II order, it may by the order direct...

#### *Liabilities and obligations in respect of the dwelling-house*

10. (1) If the court makes a Part II order, it may by order direct that...

#### *Date when order made between spouses or civil partners takes effect*

11. The date specified in a Part II order as the date on which the order...

#### *Effect of remarriage or subsequent civil partnership*

12. (1) If after the grant of a decree dissolving or annulling a marriage either spouse...

#### *Rules of court*

13. (1) Rules of court shall be made requiring the court, before it makes an order...

#### *Saving for other provisions of this Order*

14. (1) If a spouse or civil partner is entitled to occupy a dwelling-house by virtue...

#### — Schedule 3—Amendments

#### SCHEDULE 4 — SAVING AND TRANSITIONAL PROVISIONS

- Interpretation (1) In this Schedule— “the Order of 1980” means the Domestic Proceedings (Northern Ireland)...

#### *Interpretation*

1. In this Schedule— “the Order of 1980” means the Domestic Proceedings (Northern Ireland) Order 1980;...

#### *Pending applications*

2. Nothing in this Order affects any application for an order under Article 18 or 21...
3. Nothing in this Order affects any application for an order under Schedule 1 to the...

**Changes to legislation:** *Family Homes and Domestic Violence (Northern Ireland) Order 1998 is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Existing orders*

4. (1) In this paragraph an “existing order” means any order under Article 18 or 21...

*Matrimonial home rights, etc.*

5. (1) Any reference (however expressed) in any statutory provision or any other instrument or document...
6. (1) Any reference (however expressed) in any statutory provision or any other instrument or document...
7. In Articles 4 to 9— (a) any reference to an order made under Article 11...
8. Nothing in this Schedule shall be taken to prejudice the operation of sections 28 and...

— Schedule 5—Repeals

**Changes to legislation:**

Family Homes and Domestic Violence (Northern Ireland) Order 1998 is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- art. 2(2) words substituted by [2022 c. 18 \(N.I.\) Sch. 3 para. 52\(a\)](#)
- art. 3(2)(b) words inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 53\(a\)](#)
- art. 3(5) words substituted by [2022 c. 18 \(N.I.\) Sch. 3 para. 53\(b\)](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 2(3)(j) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 52\(b\)](#)
- art. 3(7)(8) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 53\(c\)](#)