

**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 25 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*

## SCHEDULES

### SCHEDULE 4

#### SAVING AND TRANSITIONAL PROVISIONS

##### *Interpretation*

1. In this Schedule—

- “the Order of 1980” means the Domestic Proceedings (Northern Ireland) Order 1980;
- “the Order of 1984” means the Family Law (Miscellaneous Provisions) (Northern Ireland) 1984; and
- “the Order of 1989” means the Matrimonial and Family Proceedings (Northern Ireland) Order 1989.

##### *Pending applications*

2. Nothing in this Order affects any application for an order under Article 18 or 21 of the Order of 1980 or Article 4 or 13 of the Order of 1984 which is pending immediately before the commencement of the repeal of that Article.
3. Nothing in this Order affects any application for an order under Schedule 1 to the Order of 1989 which is pending immediately before the commencement of the repeal of that Schedule.

##### *Existing orders*

- 4.—(1) In this paragraph an “existing order” means any order under Article 18 or 21 of the Order of 1980 or Article 4 or 13 of the Order of 1984 which—
- (a) is in force immediately before the commencement of the repeal of that Article; or
  - (b) was made or granted after that commencement in proceedings brought before that commencement.
- (2) Subject to sub-paragraphs (3) and (4), nothing in this Order prevents an existing order from remaining in force or affects the enforcement of such an order.
- (3) Nothing in this Order affects any application to vary or discharge an existing order, but the court may, if it thinks it is just and reasonable to do so, treat the application as an application for an order under this Order.
- (4) The making of an order under this Order between parties with respect to whom an existing order is in force discharges the existing order.

##### *Matrimonial home rights, etc.*

- 5.—(1) Any reference (however expressed) in any statutory provision or any other instrument or document (whether that provision, instrument or document is passed or made before, on, or after the date on which this Order is made) to rights of occupation under, or within the meaning of, Part II of

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the Order of 1984 shall be construed, so far as is required for continuing the effect of the instrument or document, as being or as the case requires including a reference to matrimonial home rights under, or within the meaning of, this Order.

(2) Any reference (however expressed) in any statutory provision (including this Order and any statutory provision amended by Schedule 3) or any other instrument or document to matrimonial home rights under, or within the meaning of, this Order shall be construed as including, in relation to times, circumstances and purposes before the commencement of Articles 4 to 10, a reference to rights of occupation under, or within the meaning of, the Order of 1984.

**6.—**(1) Any reference (however expressed) in any statutory provision or any other instrument or document (whether that provision, instrument or document is passed or made before, on or after the date on which this Order is made) to registration under the Order of 1980 or 1984 shall, in relation to any time after the commencement of Schedule 1 or as the case requires Articles 4 to 10, be construed as being or as the case requires including a reference to registration under this Order.

(2) Any reference (however expressed) in any statutory provision (including this Order and any statutory provision amended by Schedule 3) or any other instrument or document to registration under this Order shall be construed as including a reference to registration under the Order of 1980 or, as the case may require, 1984.

**7.** In Articles 4 to 9—

- (a) any reference to an order made under Article 11 shall be construed as including a reference to an order made under Article 4 of the Order of 1984; and
- (b) any reference to an order made under Article 11(5) shall be construed as including a reference to an order made under Article 4 of the Order of 1984 by virtue of Article 5(4) of that Order.

**8.** Nothing in this Schedule shall be taken to prejudice the operation of sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954.

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**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\(c\)](#)