
STATUTORY INSTRUMENTS

1995 No. 755

The Children (Northern Ireland) Order 1995

PART III

ORDERS WITH RESPECT TO CHILDREN IN FAMILY PROCEEDINGS

General

[^{F1}Residence and contact orders and domestic violence

12A.—(1) Where a court is considering whether to make a residence or contact order in favour of [^{F2}—

- (a) any person, the court shall have regard to any conviction of the person for a domestic abuse offence involving the child,
- (b)] a prohibited person, the court shall consider whether the child has suffered or is at risk of suffering any harm through seeing or hearing ill-treatment of another person by the prohibited person.

[
^{F3}(1A) For the purposes of paragraph (1)(a), a domestic abuse offence involving the child is—

- (a) an offence under section 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 if—
 - (i) the offence is aggravated as provided for in section 9 of that Act, and
 - (ii) the aggravation of the offence relates to the child, or
- (b) an offence of any kind (apart from one under section 1 of that Act) if—
 - (i) the offence is aggravated as provided for in section 15 of that Act, and
 - (ii) the child is not the person against whom the offence was committed but the aggravation of the offence relates to the child.]

(2) A person is a prohibited person for the purposes of [^{F4}paragraph (1)(b)] if either he is or the court considers that he should be prohibited by a non-molestation order under the Family Homes and Domestic Violence (Northern Ireland) Order 1998 from molesting another person.

(3) Paragraph (1) is without prejudice to Article 3 [^{F5}(and in that paragraph neither sub-paragraph limits the effect of the other sub-paragraph)] .]

F1 1998 NI 6

F2 Words in art. 12A(1) inserted (21.2.2022) by [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021 \(c. 2\), s. 35\(a\)](#); S.R. 2022/57, art. 2(ff)

F3 Art. 12A(1A) inserted (21.2.2022) by [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021 \(c. 2\), s. 35\(b\)](#); S.R. 2022/57, art. 2(ff)

F4 Words in art. 12A(2) substituted (21.2.2022) by [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021 \(c. 2\), s. 35\(c\)](#); S.R. 2022/57, art. 2(ff)

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Children (Northern Ireland) Order 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

F5 Words in art. 12A(3) inserted (21.2.2022) by Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (c. 2), s. 35(d); S.R. 2022/57, art. 2(ff)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Children (Northern Ireland) Order 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- [art. 12A\(1\)](#) words substituted by [2022 c. 18 \(N.I.\) s. 133\(2\)](#)

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. 45\(2\)\(e\)](#) words repealed by [2022 c. 18 \(N.I.\) Sch. 5](#)
- [art. 7\(2A\)\(ba\)](#) substituted for word by [2009 c. 24 Sch. 6 para. 26\(2\)](#)
- [art. 7\(2B\)\(ba\)](#) substituted for word by [2009 c. 24 Sch. 6 para. 26\(3\)](#)
- [art. 8\(4\)\(ha\)](#) applied by [2022 c. 18 \(N.I.\) s. 116](#)
- [art. 10\(5A\)](#) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 26\(b\)](#)
- [art. 10\(7A\)](#) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 26\(c\)](#)
- [art. 14A?-14F](#) and cross-heading inserted by [2022 c. 18 \(N.I.\) s. 119\(1\)](#)
- [art. 14A\(7\)](#) applied (with modifications) for specified purposes by [2022 c. 18 \(N.I.\) s. 26\(6\)](#)
- [art. 14C\(1\)\(b\)](#) applied (with modifications) for specified purposes by [2022 c. 18 \(N.I.\) s. 26\(7\)\(a\)](#)
- [art. 14C\(3\)\(4\)](#) excluded by [2022 c. 18 \(N.I.\) s. 26\(7\)\(b\)](#)
- [art. 18\(4A\)](#) inserted by [2022 c. 18 \(N.I.\) s. 120\(1\)](#)
- [art. 18\(6\)-\(6C\)](#) substituted for [art. 18\(6\)](#) by [2022 c. 18 \(N.I.\) s. 121\(1\)](#)
- [art. 22\(3\)\(aa\)](#) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 29](#)
- [art. 26\(1A\)](#) inserted by [2022 c. 18 \(N.I.\) s. 122\(1\)](#)
- [art. 26A](#) inserted by [2022 c. 18 \(N.I.\) s. 123](#)
- [art. 27\(7A\)](#) inserted by [2022 c. 18 \(N.I.\) s. 125\(3\)](#)
- [art. 27\(8\)\(c\)](#) and word added by [2022 c. 18 \(N.I.\) s. 122\(2\)\(b\)](#)
- [art. 27\(9A\)-\(9D\)](#) inserted by [2022 c. 18 \(N.I.\) s. 124](#)
- [art. 28\(4\)](#) inserted by [2022 c. 18 \(N.I.\) s. 125\(4\)](#)
- [art. 28A](#) inserted by [2022 c. 18 \(N.I.\) s. 126](#)
- [art. 28B](#) inserted by [2022 c. 18 \(N.I.\) s. 127](#)
- [art. 33\(9\)](#) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 31\(c\)](#)
- [art. 34E\(1\)\(d\)](#) and word inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 32\(a\)\(iii\)](#)
- [art. 34E\(3\)\(4\)](#) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 32\(b\)](#)
- [art. 34F\(1\)\(aa\)](#) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 33\(a\)\(i\)](#)
- [art. 34F\(1A\)-\(1D\)](#) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 33\(b\)](#)
- [art. 34G](#) inserted by [2022 c. 18 \(N.I.\) s. 129](#)
- [art. 34AA](#) inserted by [2022 c. 18 \(N.I.\) s. 128\(1\)](#)
- [art. 34DA](#) inserted by [2022 c. 18 \(N.I.\) s. 128\(2\)](#)
- [art. 34DB34DC](#) inserted by [2022 c. 18 \(N.I.\) s. 128\(3\)](#)
- [art. 35\(1\)-\(1B\)](#) substituted for [art. 35\(1\)](#) by [2022 c. 18 \(N.I.\) Sch. 3 para. 34\(a\)](#)
- [art. 35\(5\)\(za\)](#) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 34\(c\)](#)
- [art. 35D\(1\)\(aa\)\(ab\)](#) inserted by [2022 c. 18 \(N.I.\) s. 128\(4\)](#)
- [art. 35D\(1A\)](#) inserted by [2022 c. 18 \(N.I.\) s. 130\(1\)](#)
- [art. 45\(2\)\(e\)\(i\)\(ii\)](#) inserted by [2022 c. 18 \(N.I.\) s. 131\(a\)](#)
- [art. 45\(2\)\(f\)\(i\)-\(iii\)](#) inserted by [2022 c. 18 \(N.I.\) s. 131\(b\)](#)
- [art. 45\(3A\)-\(3C\)](#) inserted by [2022 c. 18 \(N.I.\) s. 130\(4\)](#)
- [art. 45\(4A\)](#) inserted by [2022 c. 18 \(N.I.\) s. 130\(6\)](#)
- [art. 45\(5A\)](#) inserted by [2022 c. 18 \(N.I.\) s. 130\(7\)](#)
- [art. 45A??](#) inserted by [2022 c. 18 \(N.I.\) s. 132](#)

- art. 50A?? inserted by 2022 c. 18 (N.I.) s. 134(1)
- art. 53(1)(ba) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 38(b)
- art. 53(6A) inserted by 2022 c. 18 (N.I.) s. 135(3)
- art. 53(8)(za) inserted by 2022 c. 18 (N.I.) s. 135(4)
- art. 57(3A) inserted by 2022 c. 18 (N.I.) s. 119(3)
- art. 60(6)(ha) inserted by 2022 c. 18 (N.I.) s. 138
- art. 66(5A) inserted by 2022 c. 18 (N.I.) s. 120(3)
- art. 107(7)(c) added by 2022 c. 18 (N.I.) s. 139(4)
- art. 108(2A) inserted by 2022 c. 18 (N.I.) s. 140(3)
- art. 108(3)(c) and word added by 2022 c. 18 (N.I.) s. 140(4)(c)
- art. 112A inserted by 2022 c. 18 (N.I.) s. 141
- art. 159(1)(c) and word added by 2022 c. 18 (N.I.) s. 119(4)(b)
- art. 165(2)(k) inserted by 2011 c. 24 (N.I.) s. 95(3)
- art. 170(2)-(9A) modified by 2022 c. 18 (N.I.) s. 105(3)
- art. 170(9A) inserted by 2022 c. 18 (N.I.) s. 142
- art. 179(5A) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 42
- art. 181(1) art. 181 renumbered as art. 181 (1) by 2022 c. 18 (N.I.) s, 143(3)
- art. 181(1) words substituted by 2022 c. 18 (N.I.) s. 143(4)
- art. 181(2) added by 2022 c. 18 (N.I.) s. 143(5)
- art. 183(2A) inserted by 2022 c. 18 (N.I.) s. 130(8)