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STATUTORY INSTRUMENTS

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**1998 No. 1071**

**The Family Homes and Domestic  
Violence (Northern Ireland) Order 1998**

*Rights to occupy matrimonial home*

**Cancellation of registration after termination of marriage, etc.**

- 9.—(1) Subject to paragraph (2), registration of a matrimonial charge may be cancelled where—
- (a) either spouse is dead,
  - (b) the marriage in question has been annulled or terminated otherwise than by death, or
  - (c) the spouse's matrimonial home rights have been terminated by an order of the court.
- (2) Where—
- (a) the marriage in question has been terminated by the death of the spouse entitled to an estate in the dwelling-house or otherwise than by death, and
  - (b) an order affecting the matrimonial charge of the spouse not so entitled had been made by virtue of Article 11(5),

then if, after the making of the order, registration of the matrimonial charge was renewed or the charge registered in pursuance of paragraph (3), the registration shall not be cancelled in accordance with paragraph (1) unless the order has ceased to have effect.

(3) Where such an order has been made, then, for the purposes of paragraph (2), the spouse entitled to the matrimonial charge affected by the order may—

- (a) if before the date of the order the charge was registered, renew the registration, and
- (b) if before the said date the charge was not so registered, register the charge.

(4) The renewal in pursuance of paragraph (3) of the registration of a matrimonial charge shall not affect the priority of that charge during the subsistence of the marriage in question; but failure to renew such registration shall render the charge void against a purchaser in so far as it extends beyond the termination, by death or otherwise, of the marriage.