
STATUTORY INSTRUMENTS

1998 No. 1071

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

Enforcement

Offences

25. Any person who contravenes—

- (a) a non-molestation order;
- (b) where there is in force a non-molestation order prohibiting that person from molesting another person, an occupation order or an order under Article 18;
- (c) an exclusion requirement included by virtue of Article 57A of the Children (Northern Ireland) Order 1995 in an interim care order under Article 57 of that Order; or
- (d) an exclusion requirement included by virtue of Article 63A of the Children (Northern Ireland) Order 1995 in an emergency protection order under Article 63 of that Order,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding three months or to both.

Power of arrest without warrant

26. In Article 26(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (arrest without warrant for arrestable offences), for the sub-paragraph (g) inserted by Article 4(3) of the Protection from Harassment (Northern Ireland) Order 1997 there shall be substituted the following sub-paragraphs—

- “(h) an offence under Article 4 of the Protection from Harassment (Northern Ireland) Order 1997 (harassment);
- (i) an offence under Article 25 of the Family Homes and Domestic Violence (Northern Ireland) Order 1997 (contravention of non-molestation orders etc.)”.

Further powers of court of summary jurisdiction

27.—(1) Paragraphs (3) to (8) of Article 112 of the Magistrates' Courts (Northern Ireland) Order 1981 (enforcement of orders other than for the payment of money) apply for the purpose of the enforcement of—

- (a) a non-molestation order;
- (b) an occupation order;
- (c) an order under Article 18;
- (d) an exclusion requirement included by virtue of Article 57A of the Children (Northern Ireland) Order 1995 in an interim care order under Article 57 of that Order; or
- (e) an exclusion requirement included by virtue of Article 63A of the Children (Northern Ireland) Order 1995 in an emergency protection order under Article 63 of that Order,

as those paragraphs apply in relation to an order mentioned in paragraph (2) of Article 112.

(2) A court of summary jurisdiction has the same power to make a hospital order or guardianship order under Article 44 of the Mental Health (Northern Ireland) Order 1986 or an interim hospital order under Article 45 of that Order in the case of a person who is suffering from mental illness or severe mental impairment who could otherwise be committed to custody for breach of an order or requirement mentioned in paragraph (1) as a court of summary jurisdiction has under those Articles in the case of a person convicted of an offence punishable on summary conviction with imprisonment.