STATUTORY INSTRUMENTS

1998 No. 1071

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

Non-molestation orders

Non-molestation orders

20.—(1) In this Order a "non-molestation order" means an order containing either or both of the following provisions—

(a) provision prohibiting a person ("the respondent") from molesting another person who is associated with the respondent;

(b) provision prohibiting the respondent from molesting a relevant child.

(2) The court may make a non-molestation order—

(a) if an application for the order has been made (whether in other family proceedings or without any other family proceedings being instituted) by a person who is associated with the respondent; or

(b) if in any family proceedings to which the respondent is a party the court considers that the order should be made for the benefit of any other party to the proceedings or any relevant child even though no such application has been made.

(3) In paragraph (2) "family proceedings" includes proceedings in which the court has made an emergency protection order under Article 63 of the Children (Northern Ireland) Order 1995 which includes an exclusion requirement (as defined in Article 63A(3) of that Order).

(4) Where an agreement to marry is terminated, no application under paragraph (2)(a) may be made by virtue of Article 3(3)(e) by reference to that agreement after the end of the period of three years beginning with the day on which it is terminated.

(5) In deciding whether to exercise its powers under this Article and, if so, in what manner, the court shall have regard to all the circumstances including the need to secure the health, safety and well-being—

(a) of the applicant or, in a case falling within paragraph (2)(b), the person for whose benefit the order would be made; and

(b) of any relevant child.

(6) A non-molestation order may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.

(7) A non-molestation order may be made for a specified period or until further order.

(8) A non-molestation order which is made in other family proceedings ceases to have effect if those proceedings are withdrawn or dismissed.