
STATUTORY INSTRUMENTS

2005 No. 1452

The Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2005

PART III

FAMILY HOMES AND DOMESTIC VIOLENCE

Interpretation of Part III

10. In this Part, “the 1998 Order” means the Family Homes and Domestic Violence (Northern Ireland) Order 1998 (NI 6).

Amendment of definition of “relative”

11. In Article 2(2) of the 1998 Order (interpretation), in the definition of “relative”

(a) in paragraph (b), for “or nephew” there shall be substituted “, nephew or first cousin”;

(b) at the end of paragraph (b) there shall be inserted—

“or

(c) the father-in-law, mother-in-law, brother-in-law or sister-in-law of that person,”;

(c) for “paragraph (a) or (b)” there shall be substituted “ paragraph (a), (b) or (c) ”.

“Cohabitees” to include same-sex couples

12.—(1) In Article 2(2) of the 1998 Order (interpretation)—

(a) at the beginning of the definition of “cohabitee” and “former cohabitee” there shall be inserted “cohabit,”;

(b) in the definition of “relative” (as amended by Article 11), for “is living or has lived with another person as husband and wife” there shall be substituted “ is cohabiting or has cohabited with another person ”.

(2) In Article 3(1) of the 1998 Order (meaning of “cohabitees”, “relevant child” and “associated persons”)—

(a) in sub-paragraph (a), for the words after “ “cohabitees” are” to the end of that sub-paragraph there shall be substituted “ two persons who, although not married to each other, are living together as husband and wife or (if of the same sex) in an equivalent relationship; ”;

(b) in sub-paragraph (b), for “former cohabitees” is to be read accordingly, but there shall be substituted “cohabit” and “former cohabitees” are to be read accordingly, but the latter expression”.

(3) In Article 14 of the 1998 Order (one cohabitee or former cohabitee with no existing right to occupy)—

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- (a) in paragraph (1)(c), for the words from “live together as” to the end there shall be substituted “cohabit or a home in which they at any time cohabited or intended to cohabit.”;
 - (b) in paragraph (6)(e), after “relationship” there shall be inserted “and in particular the level of commitment involved in it”;
 - (c) in paragraph (6)(f) for the words “lived together as husband and wife” there shall be substituted “cohabited”.
- (4) In Article 16 of the 1998 Order (neither cohabitee nor former cohabitee entitled to occupy), in paragraph (1)(a), for the words “live or lived together as husband and wife” there shall be substituted “cohabit or cohabited”.
- (5) Article 19 of the 1998 Order (additional considerations if parties are cohabitees or former cohabitees) shall cease to have effect.
- (6) In Schedule 2 to the 1998 Order (transfer of certain tenancies on divorce etc. or on separation of cohabitees)—
- (a) in paragraph 3(2), for the words “live together as husband and wife” there shall be substituted “cohabit”;
 - (b) in paragraph 4(1)(b), for the words “lived together as husband and wife” there shall be substituted “cohabited”.

Non-molestation orders

13. In Article 20 of the 1998 Order (non-molestation orders), after paragraph (6) there shall be inserted—

“(6A) A non-molestation order may exclude the respondent from a defined area in which a dwelling-house is included, any other defined area and any premises specified in the order.”.

Ex parte orders

14. In Article 23 of the 1998 Order (ex parte orders), in paragraph (3), for the words from “afford” to the end of that paragraph, there shall be substituted “specify a date for a full hearing.”.

Offences

15.—(1) In Article 25 of the 1998 Order (offences) after the words “any person who” there shall be inserted “without reasonable excuse”.

(2) In that Article—

- (a) for “level 4” there shall be substituted “level 5”;
- (b) for “three months” there shall be substituted “six months”.

(3) Nothing in paragraph (2) affects the punishment for an offence committed before the coming into operation of that paragraph.

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