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STATUTORY INSTRUMENTS

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**1998 No. 1071**

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

*Introductory*

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“adoption order” has the meaning given by Article 2(2) of the Adoption (Northern Ireland) Order 1987;

“associated”, in relation to a person, is to be read with Article 3(3) to (6);

“child” means a person under the age of 18;

[<sup>F1</sup>“cohabit,”] “cohabitee” and “former cohabitee” have the meaning given by Article 3(1);

“the court” is to be read with Article 34;

“development” means physical, intellectual, emotional, social or behavioural development;

“dwelling-house” includes (subject to paragraph (5))—

(a) any building or part of a building which is occupied as a dwelling;

(b) any caravan, houseboat or structure which is occupied as a dwelling,

and any yard, garden, garage or outhouse belonging to it and occupied with it;

“family proceedings” means any proceedings—

(a) under the inherent jurisdiction of the High Court in relation to children; or

(b) under the provisions mentioned in paragraph (3);

“family proceedings court” has the meaning given in Article 38(4);

“harm”

(a) in relation to a person who has reached the age of 18 years, means ill-treatment or the impairment of health, and

(b) in relation to a child, means ill-treatment or the impairment of health or development;

“health” includes physical or mental health;

[<sup>F2</sup>“home rights” has the meaning given by Article 4;]

“ill-treatment” includes sexual abuse and forms of ill-treatment which are not physical;

“legal estate” includes an equity of redemption arising on the conveyance or assignment of a legal estate by way of mortgage;

“matrimonial [<sup>F2</sup>or civil partnership] charge” means a charge created by Article 5;

*Definition rep. by 2004 c. 33*

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**Changes to legislation:** *Family Homes and Domestic Violence (Northern Ireland) Order 1998, Section 2 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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“molest” includes incite, procure or assist any person to molest;

“mortgage” includes a charge;

“mortgagor” and “mortgagee” include any person deriving title under the original mortgagor or mortgagee;

“mortgage payments” includes any payments which, under the terms of the mortgage, the mortgagor is required to make to any person;

“non-molestation order” has the meaning given by Article 20(1);

“occupation order” means an order under Article 11, 13, 14, 15 or 16;

“parental responsibility” has the same meaning as in the Children (Northern Ireland) Order 1995;

“purchaser” means any person (including a lessee or mortgagee) who, for valuable consideration, takes an estate in land;

“relative”, in relation to a person, means—

- (a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that person or of that person's<sup>[F2]</sup> spouse, former spouse, civil partner or former civil partner], or
- (b) the brother, sister, uncle, aunt, niece<sup>[F1]</sup>, nephew or first cousin] (whether of the full blood or of the half blood or by affinity) of that person or of that person's<sup>[F2]</sup> spouse, former spouse, civil partner or former civil partner]<sup>[F1]</sup> or],
- (c) <sup>[F1]</sup>the father-in-law, mother-in-law, brother-in-law or sister-in-law of that person,]

and includes, in relation to a person who<sup>[F1]</sup> is cohabiting or has cohabited with another person], any person who would fall within<sup>[F1]</sup> paragraph (a), (b) or (c)] if the parties were married to each other<sup>[F2]</sup> or were civil partners of each other];

“relevant child”, in relation to any proceedings under this Order, has the meaning given by Article 3(2);

“the relevant judicial authority”, in relation to any order under this Order, means—

- (a) where the order was made by the High Court, a judge of that court;
- (b) where the order was made by a county court, a judge or district judge of that or any other county court; or
- (c) where the order was made by a court of summary jurisdiction, a resident magistrate;

“rules of court” includes family proceedings rules, county court rules and magistrates' courts rules (as well as rules of court as defined in section 21(4) of the Interpretation Act (Northern Ireland) 1954);

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(3) The provisions referred to in the definition of “family proceedings” are—

- (a) this Order;
- (b) the Matrimonial Causes (Northern Ireland) Order 1978;
- (c) the Domestic Proceedings (Northern Ireland) Order 1980;
- (d) the Adoption (Northern Ireland) Order 1987;
- (e) Part IV of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989;

<sup>[F3]</sup>(f) <sup>[F4]</sup>sections 54 and 54A] of the Human Fertilisation and Embryology Act 2008;]

(g) Parts II, III, V and XV of the Children (Northern Ireland) Order 1995.

[<sup>F2</sup>(h) the Civil Partnership Act 2004.]

[<sup>F5</sup>(i) Schedule 1 to the Forced Marriage (Civil Protection) Act 2007.]

(4) Where the question of whether harm suffered by a child is significant turns on the child's health or development, his health or development shall be compared with that which could reasonably be expected of a similar child.

(5) For the purposes of Articles 5 to 10, 30 and 31 and such other provisions of this Order (if any) as may be specified by order made by the Department of Finance and Personnel, this Order shall have effect as if paragraph (b) of the definition of “dwelling-house” in paragraph (2) were omitted.

(6) This Order applies as between the parties to a marriage even though either of them is, or has at any time during the marriage been, married to more than one person.

(7) In this Order references to cancelling the registration of a matrimonial<sup>F2</sup> or civil partnership] charge shall, where that charge is registered in the Registry of Deeds, be construed as references to vacating the registration of that charge.

**F1** [2005 NI 7](#)

**F2** [2004 c.33](#)

**F3** Art. 2(3)(f) substituted (6.4.2010) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), ss. 56, 68(2), [Sch. 6 para. 79](#); S.I. 2010/987, [art. 2](#)

**F4** Words in art. 2(3)(f) substituted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 1 para. 14](#)

**F5** Art. 2(3)(i) inserted (25.11.2008) by [Forced Marriage \(Civil Protection\) Act 2007 \(c. 20\)](#), ss. 3(1), 4(4), [Sch. 2 para. 4](#); S.R. 2008/446, [art. 2\(c\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- art. 2(2) words substituted by [2022 c. 18 \(N.I.\) Sch. 3 para. 52\(a\)](#)

**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. 2(3)(j) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 52\(b\)](#)
- art. 3(7)(8) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 53\(c\)](#)