

---

## STATUTORY INSTRUMENTS

---

# 1998 No. 1071

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

*Jurisdiction and procedure, etc.*

### **Courts of summary jurisdiction**

**38.**—(1) A court of summary jurisdiction shall not be competent to entertain any application, or make any order, involving any disputed question as to a party's entitlement to occupy any property by virtue of a beneficial estate or a contract or by virtue of any statutory provision giving him the right to remain in occupation, unless it is unnecessary to determine the question in order to deal with the application or make the order.

(2) A court of summary jurisdiction may decline jurisdiction in any proceedings under this Order if it considers that the case can more conveniently be dealt with by another court.

(3) The powers of a court of summary jurisdiction under Article 112(2) of the Magistrates' Courts (Northern Ireland) Order 1981 to suspend or rescind orders shall not apply in relation to any order made under this Order.

(4) A juvenile court (that is to say, a court of summary jurisdiction constituted in accordance with Schedule 2 to the Children and Young Persons Act (Northern Ireland) 1968) sitting for the purpose of exercising any jurisdiction conferred by or under this Order may be known as a family proceedings court.

**Changes to legislation:**

Family Homes and Domestic Violence (Northern Ireland) Order 1998, Section 38 is up to date with all changes known to be in force on or before 05 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.

[View outstanding changes](#)

**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\(c\)](#)