
STATUTORY INSTRUMENTS

1998 No. 1071

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.

[^{F1}(4ZA) If a civil partnership agreement (within the meaning of the Civil Partnership Act 2004) is terminated, no application under this Article may be made by virtue of Article 3(3)(eza) 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.

[^{F2}(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.]

Changes to legislation: *Family Homes and Domestic Violence (Northern Ireland) Order 1998, Cross Heading: Non-molestation orders is up to date with all changes known to be in force on or before 14 May 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*

- (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.

F1	2004 c.33
F2	2005 NI 7

Changes to legislation:

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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\(c\)](#)