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STATUTORY INSTRUMENTS

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**1998 No. 1071**

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

*Occupation orders*

**Neither spouse<sup>[F1]</sup> or civil partner] entitled to occupy**

**15.—(1)** This Article applies if—

- (a) one spouse or former spouse and the other spouse or former spouse occupy a dwelling-house which is or was the matrimonial home; but
- (b) neither of them is entitled to remain in occupation—
  - (i) by virtue of a beneficial estate or a contract; or
  - (ii) by virtue of any statutory provision giving him the right to remain in occupation.

<sup>[F1]</sup>(1A) This Article also applies if—

- (a) one civil partner or former civil partner and the other civil partner or former civil partner occupy a dwelling-house which is or was the civil partnership home; but
- (b) neither of them is entitled to remain in occupation—
  - (i) by virtue of a beneficial estate or contract; or
  - (ii) by virtue of any statutory provision giving him the right to remain in occupation.]

(2) Either of the parties may apply to the court for an order against the other under this Article.

(3) An order under this Article may—

- (a) require the respondent to permit the applicant to enter the dwelling-house or part of the dwelling-house;
- (b) require the respondent to permit the applicant to have peaceful use and enjoyment of the dwelling-house or part of the dwelling-house;
- (c) regulate the occupation of the dwelling-house by either or both of the<sup>[F1]</sup> parties];
- (d) require the respondent to leave the dwelling-house or part of the dwelling-house;
- (e) provide for the respondent to remove from the dwelling-house or part of the dwelling-house personal effects or any furniture or other contents of a kind specified in the order; or
- (f) exclude the respondent from a defined area in which the dwelling-house is included, any other defined area and any premises specified in the order.

(4) In deciding whether to exercise its powers under paragraph (3) and (if so) in what manner, the court shall have regard to all the circumstances including—

- (a) the housing needs and housing resources of each of the parties and of any relevant child;
- (b) the financial needs and resources of each of the parties;

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**Changes to legislation:** *Family Homes and Domestic Violence (Northern Ireland) Order 1998, Section 15 is up to date with all changes known to be in force on or before 12 June 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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- (c) the likely effect of any order, or of any decision by the court not to exercise its powers under paragraph (3), on the health, safety or well-being of the parties and of any relevant child; and
  - (d) the conduct of the parties in relation to each other and otherwise.
- (5) If it appears to the court that the applicant or any relevant child is likely to suffer significant harm attributable to conduct of the respondent if an order under this Article containing one or more of the provisions mentioned in paragraph (3) is not made, the court shall make the order unless it appears to it that—
- (a) the respondent or any relevant child is likely to suffer significant harm if the order is made; and
  - (b) the harm likely to be suffered by the respondent or child in that event is as great as, or greater than, the harm attributable to conduct of the respondent which is likely to be suffered by the applicant or child if the order is not made.
- (6) An order under this Article must be limited so as to have effect for a specified period not exceeding twelve months, but may be extended on one or more occasions for a further specified period not exceeding twelve months.

**F1** [2004 c.33](#)

**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\(c\)](#)