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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 cohabitee nor former cohabitee entitled to occupy**

**16.—**(1) This Article applies if—

- (a) one cohabitee or former cohabitee and the other cohabitee or former cohabitee occupy a dwelling-house which is the home in which they<sup>[F1]</sup> cohabit or cohabited]; 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.

(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 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 resources of each of the parties;
- (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;
- (d) the conduct of the parties in relation to each other and otherwise.

(5) If the court decides to make an order under this Article and it appears to it that, if the order does not include a paragraph (3) provision, the applicant or any relevant child is likely to suffer significant harm attributable to conduct of the respondent, the court shall include the paragraph (3) provision in the order unless it appears to the court that—

**Status:** Point in time view as at 01/03/2007.

**Changes to legislation:** Family Homes and Domestic Violence (Northern Ireland) Order 1998, Section 16 is up to date with all changes known to be in force on or before 18 August 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)

- (a) the respondent or any relevant child is likely to suffer significant harm if the provision is included in the order, 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 provision is not included.
- (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** 2005 NI 7

**Status:**

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