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## STATUTORY INSTRUMENTS

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# 1998 No. 1071

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

### *Introductory*

#### **Meaning of “cohabitees”, “relevant child” and “associated persons”**

3.—(1) For the purposes of this Order—

[<sup>F1</sup>(a) “cohabitees” are [<sup>F2</sup> two persons who, although not married to each other, are living together as husband and wife or (if of the same sex) in an equivalent relationship;]]

(b) [<sup>F2</sup>“cohabit” and “former cohabitees” are to be read accordingly, but the latter expression] does not include cohabitees who have subsequently married each other [<sup>F1</sup> or become civil partners of each other].

(2) In this Order “relevant child”, in relation to any proceedings under this Order, means—

- (a) any child who is living with or might reasonably be expected to live with either party to the proceedings;
- (b) any child in relation to whom an order under the Adoption (Northern Ireland) Order 1987 or the Children (Northern Ireland) Order 1995 is in question in the proceedings; and
- (c) any other child whose interests the court considers relevant.

(3) For the purposes of this Order a person is associated with another person if—

(a) they are or have been married to each other;

[<sup>F1</sup>(aa) they are or have been civil partners of each other;]

(b) they are cohabitees or former cohabitees;

(c) they live or have lived in the same household, otherwise than merely by reason of one of them being the other's employee, tenant, lodger or boarder;

(d) they are relatives;

(e) they have agreed to marry one another (whether or not that agreement has been terminated);

[<sup>F1</sup>(eza) they have entered into a civil partnership agreement (as defined by section 197 of the Civil Partnership Act 2004) (whether or not that agreement has been terminated);]

(f) in relation to any child, they are both persons falling within paragraph (4); or

(g) they are parties to the same family proceedings (other than proceedings under this Order).

(4) A person falls within this paragraph in relation to a child if—

(a) he is a parent of the child; or

(b) he has or has had parental responsibility for the child.

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** Family Homes and Domestic Violence (Northern Ireland) Order 1998, Section 3 is up to date with all changes known to be in force on or before 09 October 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)

(5) If a child has been adopted or has been freed for adoption by virtue of any of the provisions mentioned in Article 16(1) of the Adoption (Northern Ireland) Order 1987, two persons are also associated with each other for the purposes of this Order if—

- (a) one is a natural parent of the child or a parent of such a natural parent; and
- (b) the other is the child or any person—
  - (i) who has become a parent of the child by virtue of an adoption order or has applied for an adoption order, or
  - (ii) with whom the child has at any time been placed for adoption.

(6) A body corporate and another person are not, by virtue of paragraph (3)(f) or (g), to be regarded for the purposes of this Order as associated with each other.

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| <b>F1</b> | <a href="#">2004 c.33</a> |
| <b>F2</b> | <a href="#">2005 NI 7</a> |

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