
STATUTORY INSTRUMENTS

1998 No. 1071

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

Dwelling-house subject to mortgage

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31.—(1) In determining for the purposes of this Order whether a person is entitled to occupy a dwelling-house by virtue of an estate, any right to possession of the dwelling-house conferred on a mortgagee of the dwelling-house under or by virtue of his mortgage is to be disregarded.

(2) Paragraph (1) applies whether or not the mortgagee is in possession.

(3) Where a person (“A”) is entitled to occupy a dwelling-house by virtue of an estate, a connected person does not by virtue of—

(a) any matrimonial home rights conferred by Article 4, or

(b) any rights conferred by an order under Article 13 or 14,

have any larger right against the mortgagee to occupy the dwelling-house than A has by virtue of his estate and of any contract with the mortgagee.

(4) Paragraph (3) does not apply, in the case of matrimonial home rights, if under Article 5 those rights are a charge, affecting the mortgagee, on the estate mortgaged.

(5) In this Article “connected person”, in relation to any person, means that person’s spouse, former spouse, cohabitee or former cohabitee.