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STATUTORY INSTRUMENTS

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**1998 No. 1071**

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

*Dwelling-house subject to mortgage*

**Actions by mortgagees: joining connected persons as parties**

**32.**—(1) This Article applies if a mortgagee of land which consists of or includes a dwelling-house brings an action in any court for the enforcement of his security.

(2) A connected person who is not already a party to the action is entitled to be made a party in the circumstances mentioned in paragraph (3).

(3) The circumstances are that—

- (a) the connected person is enabled by Article 4(3) or (6) (or by Article 4(3) or (6) as applied by Article 13(13) or 14(13)), to meet the mortgagor's liabilities under the mortgage;
- (b) he has applied to the court before the action is finally disposed of in that court; and
- (c) the court sees no special reason against his being made a party to the action and is satisfied—
  - (i) that he may be expected to make such payments or do such other things in or towards satisfaction of the mortgagor's liabilities or obligations as might affect the outcome of the proceedings; or
  - (ii) that the expectation of it should be considered under section 36 of the Administration of Justice Act 1970.

(4) In this Article "connected person" has the same meaning as in Article 31.