



**AN BILLE UM CHAOMHNÚ ÁRAS AN TEAGHLAIGH
(FORÁLACHA ILGHNÉITHEACHA), 2011
FAMILY HOME PROTECTION (MISCELLANEOUS
PROVISIONS) BILL 2011**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
 2. Matters to be considered by a Court in a proceeding for possession of a family home.
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BILL

entitled

5
10 AN ACT TO ENABLE THE COURT TO HAVE REGARD TO
VARIOUS CITED MATTERS WHEN DETERMINING
WHETHER TO GRANT OR REFUSE AN APPLICATION
FOR POSSESSION OF A FAMILY HOME.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act, except where the context otherwise requires— Interpretation.

“court” means the High Court, the Circuit Court, the District Court
or a County Registrar;

15 “dwelling” means any building or part thereof, occupied as a separ-
ate dwelling and includes any garden or portion of ground attached
to and usually occupied with the dwelling or otherwise required for
the amenity or convenience of the dwelling;

20 “family home” means a dwelling in which a person or persons
ordinarily reside;

25 “proceeding for possession” means an application to a court made
by any party pursuant to the terms of a mortgage agreement or regis-
tered charge, for the purposes of the granting of an order of pos-
session and/or repossession of the family home securing the loan, the
subject matter of the said mortgage agreement or registered charge;

“mortgage” shall include registered charge;

“mortgage debt” means the debt secured by the family home.

30 2.—In any proceeding for possession of a family home the Court, Matters to be
in determining whether to grant or refuse such application, may have considered by a
regard to the following matters: court in a
proceeding for
possession of a
family home.

(a) any offer, including an offer involving the restructure of
the loan, made by or on behalf of the borrower;

(b) the level of arrears on the loan;

- (c) the current market value of the home and the amount of the mortgage debt as a proportion of that;
- (d) evidence from an expert or experts as to the expected value of the family home over a period of 5 years from the date of the hearing of the proceeding for possession; 5
- (e) any Code of Conduct or other such agreement or regulation to which the party applying for the order of possession is a party to, for the time being in force;
- (f) the conduct of the lender;
- (g) any other matter that the Court shall, in its opinion, consider proper to take into consideration. 10