

IN THE CROWN COURT AT NORTHAMPTON

Mr Justice Choudhury

BETWEEN

REX

V

ASHRAF OSMANI

SENTENCING REMARKS

REPORTING RESTRICTION. Pursuant to Schedule 6(1) to the *Anti-Social Behaviour, Crime and Policing Act 2014*, no matter likely to lead members of the public to identify the person, as the person against whom these offences are alleged to have been committed, may be included in any publication during the person's lifetime.

ASHRAF OSMANI: Please stand.

1. You are aged 52. On 9 October 2025 at Northampton magistrates' court, you pleaded guilty to two charges of carrying out conduct for the purpose of causing a child under 18 to enter into a marriage contrary to s.121(3A) of the *Anti-Social Behaviour, Crime and Policing Act 2014*. The maximum sentence for that offence is 7 years' imprisonment. The District Judge took the view that the case was too serious to be dealt with in the magistrates' court. He accordingly committed the matter for sentence to the Crown court. I must now sentence you for your offences. It will take

some time to explain the sentence. You may sit down and remain seated until I ask you to stand up again.

FACTUAL BACKGROUND

2. You are the Imam of the Central Mosque in Northampton, which is one of the largest and busiest mosques in the County. You have been the Imam at the Central Mosque for over 25 years since it was founded. You are also a well-respected member of the Northants Council of Mosques and of the community more widely.
3. As Imam, one of your responsibilities is to carry out Islamic marriage ceremonies (known as a Nikah). Such marriages are not legally binding within England & Wales but, in common with almost all other forms of religious marriage, are seen as binding and are regarded just as much as a marriage within the Muslim community itself.
4. Until 27 February 2023, it was lawful for children aged 16 or 17 to get married in England & Wales provided they had parental consent or judicial permission. On 27 February 2023, the *Marriage and Civil Partnership (Minimum Age) Act 2022* came into force. This Act raised the minimum age of legal marriage within England & Wales under the *Marriage Act 1949* to 18 years. That means that it is now against the law for any child in England & Wales under the age of 18 to get married, even if they have parental consent. The position in Scotland has historically been and remains different. There, children aged 16 and 17 can get married even without parental consent. I am told that consultation is currently underway in respect of a proposed change in the law so that it aligns with the position in England & Wales.
5. Although the number of 16 & 17 year olds getting married each year before the change in the law was tiny – according to the explanatory note to which I was referred, just 134 out of almost 235,000 marriages overall or less than 0.06% - Parliament considered that a change in the law was necessary because research had shown that child marriage was often associated with truncated education, serious physical and mental health problems, developmental difficulties for children born to very young

mothers and an increased risk of domestic abuse, all of these affecting girls more than boys.

6. The 2022 Act also inserted s121(3A) into the *Anti-social Behaviour, Crime and Policing Act 2014*, also effective from 27 February 2023. This provision made it an offence to carry out conduct for the purpose of causing a child under 18 to enter into a marriage, a marriage for these purposes being any religious or civil ceremony of marriage, whether or not legally binding.
7. In November 2023, Child 1 was a 16-year-old girl in care and was staying with foster parents. She had converted to Islam. Child 1 had a boyfriend also aged 16 (Child 2). Child 1 wanted to have a physical relationship with Child 2. However, under her new faith, as in many religions, sex outside of marriage is forbidden. Child 1 therefore decided to marry Child 2.
8. Child 1 initially approached another mosque at Clare St in Northampton, but that mosque refused to carry out the marriage because she and her boyfriend were underage.
9. Following this refusal, Child 1 then approached the Central Mosque and spoke to you. Although you were the Imam and it was part of your job to conduct marriages, you were not aware that the law had changed. You thought that it was still the law that a person over 16 could get married. You checked their passports to confirm their ages. You were told that Child 1 was in foster care and could see that Child 1 and Child 2 were there without any parents or guardians, but that did appear to concern you because you had not known that even under the old law, parental consent was required for legal marriages. You were not aware and were not told that Clare St Mosque had already refused to carry out the Nikah.
10. Without making any further inquiries, you agreed to conduct the Nikah of these two children and did so on 25 November 2023 at their request. The couple had attended the mosque with others, but the marriage was witnessed by two other people who just so happened to be at the mosque at the time – neither Child 1 nor her boyfriend

knew them. You conducted the Nikah ceremony and signed the certificate of marriage. This was the first and only marriage that you had conducted involving 16-year-olds and in fact records show that no other such marriages had ever been conducted at the Central Mosque.

11. Child 1 made it clear that she was not forced or coerced into marriage by anyone and that it was a voluntary choice on her part and that of her boyfriend. Child 2 said that he went along with it to make Child 1 happy, and that he knew it wasn't an official marriage.
12. Child 1's foster parents found out about the marriage when they found the marriage certificate in her room. They reported the matter to the police. During your interview you accepted what you had done and said that you had not realised that the law regarding the minimum age had changed.
13. Since your interview, you have updated the Nikah checklist used by the mosque. This now states that marriage participants have to be aged 18 or over.
14. That is the background to this offence.

SENTENCE

15. There are no offence-specific sentencing guidelines for this offence and no relevant Court of Appeal (Criminal Division) Decisions. I have had regard to the general guidelines for sentencing which apply in all cases. That sets out a structured approach whereby I must assess the level of culpability or responsibility for the offences and the level of harm, take into account aggravating and mitigating factors and apply an appropriate reduction for your guilty plea.
16. The law does permit me to consider analogous guidelines. I have been referred by Counsel for the Crown, Ms Newcomb, to the Guidelines for the offence of failing to protect a girl from the risk of genital mutilation ("FGM Guidelines"). That offence also

has a maximum sentence of 7 years. It is submitted that the FGM offence is analogous to some extent as it is also about protecting children from harm. Whilst there is no doubt that the offence to which you have pleaded guilty is intended to protect children from harm, it is difficult to describe the FGM offence as analogous. That offence, whilst having the same maximum sentence, is far more serious in terms of the immediate physical and mental harm that can result from the offending act. I note also that that offence is indictable only whereas this one is triable either way. The starting points and sentence ranges under the FGM guidelines cannot therefore be applied directly or arithmetically, but I do bear them in mind.

17. I begin with the offence in respect of Child 1. As to culpability, I note that offences under s.121 of the 2014 Act include those of forced marriage whereby a person uses violence, threats or coercion or deception to cause another person to enter into a marriage. Clearly, this offence will attract a considerably less severe sentence as compared to those where the conducting of a marriage involves violence, threat, coercion or deception.
18. The offence does not require any specific level of intention in order to be made out. This was not a deliberate flouting of the law. You have said and I accept that you were not aware that the law had changed, and you thought you were acting lawfully. In my judgment that is relevant to culpability in relation to an offence such as this where the act concerned was previously lawful. This is not conduct that involves something that is inherently culpable and therefore the lack of knowledge that the law had recently changed is a relevant consideration.
19. However, you were in a position of responsibility at the mosque. People came to you for guidance and placed their trust in you and one of your specific tasks was to conduct marriages. You were entirely in charge of that process. Ignorance of the law is not an excuse for anyone but given your position and your specific responsibility for conducting marriages you ought to have known that the law had changed. It is also a concern that you were not even aware of the limits under the previous law in that parental consent was required. Your approach can only be described as negligent in that you failed to take the basic steps that a person in your role can be expected to

take before acting. The very fact that this was the first time children had come to the mosque to ask to be married ought to have alerted you to the risks and made you think twice. Instead, you went ahead. You did so because your principal concern was preventing them from committing a sin. Important as that was to you, it cannot override compliance with the law.

20. Thus, whilst your culpability is not at the highest level, it is also not at the lowest. For the reasons discussed, I consider your conduct to be negligent. Accordingly, I assess culpability for this offence to be at the medium to low level.
21. As to harm, there was of course no violence or coercion. These children came to you entirely of their own volition. They got what they wanted, and there was no immediate physical or mental harm caused to either of them. However, the fact of a child getting married can in itself be potentially harmful to that child and their development as research has shown. There was therefore a risk of significant harm at some point. As such, harm is assessed to be at the lowest level.
22. In reaching that assessment I have considered the principal purposes that any sentence would seek to achieve in your case. It seems to me that it is important that there is punishment for your conduct, that the sentence has the effect of deterring similar conduct by others, and of protecting the public and in particular, children, against the harm of child marriage, although I accept that there is no risk of further such harm from you.
23. I note that a medium culpability / low harm offence under the FGM Guidelines would lead to a starting point of 1 year's custody with a range from High Level Community Order to 2 years' custody. That in my judgment would be far too high for an offence of this nature. A very substantial adjustment must be made to that starting point and range because of the less serious nature of this offence. Accordingly, I take the starting point to be 26 weeks' custody with a range of High-Level Community Order to 1 year's custody.

24. There are no other aggravating factors not already taken into account in assessing seriousness.
25. As for mitigating factors, you have no previous convictions. There is a caution from many years earlier for an unrelated matter. I do not accept the Probation Service's assessment that this offence represents an escalation in offending. It does not. You are a man of essentially good character, and I treat you as such.
26. There are several letters sent to the Court speaking to your positive character and the high esteem in which, until this matter came to light, you were held within the local community.
27. You have also expressed great remorse which I believe is genuine. I note that you changed the Nikah checklist almost immediately.
28. There was no financial gain, albeit the Mosque received a fee of £50.
29. These mitigating factors warrant a reduction from the starting point to 18 weeks' custody.
30. From that I deduct a further third for your Guilty Plea which was given at an early stage. That brings the sentence down to 12 weeks' custody.
31. Subject to totality considerations, that is the sentence in respect of Child 1.
32. As to Child 2, the sentence is also 12 weeks' for the same reasons. It would not be appropriate for these sentences to run consecutively given that they both arise out of the same act on your part. Accordingly, I shall treat the offence in respect of Child 1 as the lead offence and apply an uplift of 3 weeks to that sentence in order to reflect the overall offending in this case to run concurrently with the sentence of 12 weeks in respect of Child 2.
33. Whilst this was a mistake on your part arising out of negligence, the resulting offence was a serious one. The seriousness of these offences is such that neither a fine alone

nor a community order can be justified. The overall sentence of 15 weeks' custody is the least that can be imposed to mark the seriousness of your offending.

34. I have considered carefully whether the sentence should be suspended. I am satisfied that it should be suspended. There is a very low risk of reoffending. You have already amended procedures in the mosque to ensure that this cannot happen again. No rehabilitation needs have been identified. There is very strong personal mitigation as I have mentioned in terms of your character and your exemplary conduct in the community. Furthermore, immediate custody would result in significant harm to your family as you are the principal earner and even a short period of custody would be highly detrimental. I therefore direct that the sentence of 15 weeks' imprisonment will be suspended for 1 year.

ASHRAF OSMANI, please stand up:

35. For the offence in respect of Child 1, I sentence you to a suspended sentence of 15 weeks' imprisonment and for the offence in respect of Child 2, I sentence you to a suspended sentence of 12 weeks' imprisonment, to run concurrently.

36. If in the next 12 months you commit any offence, whether or not it is of the same type for which I am sentencing you today, you will be brought back to court and it is likely that this sentence will be brought into operation, either in full or in part. That means that if you commit another offence in that period you could go to prison for up to 15 weeks.

37. I impose no additional requirements.

38. Victim Surcharge applies.

39. Prosecution costs in the sum of £150.