



Neutral Citation Number: [2022] EWHC 1925 (QB)

Case No: QB-2021-000603

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MEDIA & COMMUNICATIONS

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 21/07/2022

Before :

THE HONOURABLE MRS JUSTICE COLLINS RICE

Between :

Scarlett Ione Dew

Claimant

- and -

Oliver Mills-Nanyn

Defendant

Ben Hamer (instructed by **Brett Wilson LLP**) for the **Claimant**
Simon Fagan (Solicitor Advocate by **Aticus Law**) for the **Defendant**

Hearing date: 19 July 2022

APPROVED JUDGMENT

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

This judgment will be handed down by the Judge remotely by circulation to the parties' representatives by email and release to The National Archives.

The date and time for hand-down is deemed to be 12pm on 25 July 2022

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THE HONOURABLE MRS JUSTICE COLLINS RICE

Mrs Justice Collins Rice :

Background

1. Ms Scarlett Dew and Mr Oliver Mills-Nanyn met through online dating in the autumn of 2019. They got to know each other on social media, and then met up. But as time went on, Ms Dew began to be concerned about Mr Mills-Nanyn's behaviour and sought to break off contact with him in the summer of 2020. But he was unwilling to accept that.
2. By the autumn of 2020, and in defiance of Ms Dew's wishes, Mr Mills-Nanyn began a serious and escalating campaign of harassing behaviour towards her. It caused Ms Dew, first, to think to go to the police, and then to come to the High Court for help. She issued a claim in harassment and misuse of private information in February 2021.
3. The parties settled her case on terms set out in an Order dated 4th March 2021. That Order is an important document. It sets out a series of Undertakings by Mr Mills-Nanyn, given to the Court, that he will stop doing the things constituting the campaign of which Ms Dew complained. It is quite a long list of things, because the activities comprising the course of conduct complained of were multiple. He undertook, among other things, not to communicate with Ms Dew, her family, her friends, her university or her employers. He undertook not to monitor them or impersonate them. He undertook not to publish Ms Dew's private and confidential information. He undertook, in other words, to stop harassing.
4. He also undertook to provide complete and accurate disclosure of his social media accounts, and of relevant material he held about Ms Dew and her circle; to delete a range of material he held about them; and to provide a witness statement confirming he had done this.
5. The Undertakings were a promise and a commitment – not just to Ms Dew, but to the Court. The settlement Order includes a clear penal notice, setting out that if the Undertakings were breached, Mr Mills-Nanyn could be held to be in contempt of court and imprisoned or fined. It includes a clear statement that he understood what he was committing to and what would happen if he breached that commitment, and that he had been advised to take independent legal advice.
6. But he did not do what he promised to do. He breached those undertakings, and did so repeatedly, in the weeks or months after making them.

The Contempt proceedings

7. So Ms Dew finally had to come back to the High Court last December and seek an order for the committal of Mr Mills-Nanyn for contempt of court, in respect of 20 sample breaches the previous May. These included failures to disclose relevant social media accounts; contacting a number of Ms Dew's friends; and contacting her university in a disgraceful attempt to pose as her victim, engage the university's safeguarding systems, and have her expelled.

8. Contempt proceedings are extremely serious. When this point is reached, the matter is no longer an issue between the parties alone. It is a matter of the respect and compliance that is due to the Court, and to the justice that it administers in the public interest.
9. Mr Mills-Nanyn initially denied all the breaches. That meant a trial of the contempt application would be necessary, and a hearing for directions to trial took place on 17th March of this year before Mr Justice Nicklin. Directions were given, and the trial fixed for three days from 19th to 21st July. Mr Justice Nicklin told Mr Mills-Nanyn that if the contempt application was proved against him, he faced sanctions, but that if he admitted any breaches, sincerely apologised, and made clear he would not behave in this way again, then a court would sanction accordingly.
10. Mr Mills-Nanyn did not actively engage with the process of preparation for trial. And on 24th June 2022 Ms Dew had cause to complain of more breaches of his Undertaking not to contact her friends.
11. The following week, on 30th June, Mr Mills-Nanyn's lawyers indicated that he was now prepared to admit all of the allegations levelled against him. He admitted, in other words, being in contempt of court. That meant that the trial fixed to begin today became a sanctions hearing.
12. On 12th July, one week before the hearing, he filed a witness statement, and asked for the date to be postponed because of work commitments. But Mr Justice Nicklin refused, in the light of what he called three 'compelling' objections raised on behalf of Ms Dew: (i) it was a late application for no good reason, (ii) the employment in question post-dated the fixing of the trial date without Mr Mills-Nanyn apparently having made sure, in accepting it, that he would be able to attend trial, and (iii) there was evidence he was in continuing breach of his Undertakings. He was ordered to attend the hearing. He was told if he failed to do so the Court could proceed in his absence and/or issue a warrant for his arrest. And so he has attended today.

Sanction

13. There are no sentencing guidelines for sanctioning contempt of court, and the exercise is fact- and case-specific. But I have directed myself to the range of my sanctioning powers, and to the guidance provided by the examples of sentencing for contempt in harassment cases, to which my attention has been drawn. I include in that the sorts of relevant considerations identified in the *Crystalmews* case (*Crystalmews Ltd v Metterick* [2006] EWHC 3087 (Ch)):- the effect on Ms Dew of the breaches, the extent to which the breaches were deliberate and culpable, and Mr Mills-Nanyn's conduct since being confronted with the allegations of breach.
14. So I take into account all the circumstances put before me by both parties, and in particular the following:
 - i. The fact that the *context* of these breaches was persistent in a harmful, offensive, oppressive and predatory course of conduct, constituting a gross invasion of a blameless young woman's fundamental rights and freedoms, her autonomy and her privacy. The breaches partook of that course of conduct. This was continuing relationship abuse. And it was abuse redoubled and exacerbated by

being persisted in, on numerous occasions, in disregard of the justice and protection given by the Court, to which Ms Dew was constitutionally entitled.

- ii. The fact that Mr Mills-Nanyn has no excuse or explanation for this calculated and abusive conduct. He says he gave the Undertakings without thinking through what they meant. He suggested that they might be insufficiently clear. But there is no possible reading of the Undertakings consistent with that being a reasonable explanation for his behaviour. And he has offered no explanation at all for his actions in their own right.
- iii. The fact that, while Mr Mills-Nanyn was of course entitled to defend himself at each stage of Ms Dew's claim and contempt proceedings, before making his recent admission of contempt he vigorously denied the facts of his behaviour in a manner which came close to, and perhaps amounted to, a further example of his abusive treatment of Ms Dew.
- iv. The fact that Mr Mills-Nanyn *did* in recent weeks accept his guilt and contempt in all the particulars alleged, avoiding the unpleasantness and expense of a contested trial. He is properly entitled to credit for that. The admission was, however, rather close to the date of trial, having put Ms Dew and the Court to the trouble and expense – including public expense – of dealing with his months of aggressive denials in the meantime, and of preparing for trial.
- v. The fact also that his witness statement, while admitting the breaches, sought to a notable degree to try to minimise his personal responsibility or to justify his conduct, and contained no recognition of the perspective of Ms Dew or the effect of his behaviour on her and those close to her, and contained no apology to the Court.
- vi. The (extremely late and unspecific) apology he has finally tendered to the Court and to Ms Dew today – not personally, but through his Advocate, and apparently extracted under the prospect of losing his liberty. These circumstances must obviously moderate the weight that it would be fair to give it in all the circumstances.
- vii. The personal mitigations he sets out, including his young age, his previous good character, the potential effect of sanctions on his employment and other prospects, and his lack of personal resources, as set out in his witness statement of 11th July, and about which I have heard further today.
- viii. And I take full account also of what I have now heard about the considerable efforts he has made to get here today and finally face the music.

15. My conclusions are as follows.

16. The purpose of a sentence for contempt of court in a case like this is both to impose a just punishment and to enforce respect for and compliance with Undertakings.

17. Mr Mills-Nanyn's behaviour has been not only abusive to Ms Dew – including by virtue of the relatively long period of contestation, denial and revictimisation which has been

the context of these breaches – but also insulting to the Court. He has unwarrantedly interfered with Ms Dew’s liberties in the face of the Court’s protection of them, and he now faces a sanction which interferes with his own.

18. He also accepts that not only his own solemn Undertakings, but formal court proceedings, and even perhaps the imminent approach of a trial for contempt of court, failed to restrain his behaviour. His behaviour must be restrained. So he now faces a sanction which, as a result of his own escalation of matters, will do so.

Sentence

19. Mr Mills-Nanyn, please stand.
20. The least punishment I consider to be consistent with the purposes of sanctioning you for your admitted contempt of court is one of six months’ imprisonment, which I am however going to suspend for a period of two years.
21. That means that you have incurred a prison sentence. But your liberty is not immediately forfeit. If, however, in the next two years, you give the least further cause for concern in relation to the conduct about which you have made solemn promises to this Court, you are likely to find yourself arrested, brought back here, and sent immediately to prison.
22. In suspending your sentence rather than imposing immediate custody, I have had particular regard to your youth, your good character, your prospects, your (albeit belated) facing up to your conduct, and the public judgment that now stands against you.
23. I would add this also. Stalking and harassing women is conduct with which not only the civil, but also the criminal courts, have to do. The criminal courts do not necessarily wait for Undertakings or Orders to be breached. You have been given an opportunity today to address this behaviour, and a warning about the consequences of failing to do so. You must take it.
24. Please sit down.

Further observations

25. The Order I am making in this case will be attached to, and published together with, a transcript of this judgment.
26. I add this, finally, to Ms Dew.
27. You have heard the consequences of his conduct that Mr Mills-Nanyn has now brought upon himself. They cannot give you back the experiences of university life and friendships which any woman of your age is entitled to enjoy without the sort of abuse you have had to suffer at his hands. But I very much hope that you will now be able to put this episode behind you and get on with enjoying the life you deserve.

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MEDIA & COMMUNICATIONS LIST

Claim No. QB-2021-000603

BEFORE MRS JUSTICE COLLINS RICE DBE CB

DATE 19 JULY 2022

B E T W E E N

MS SCARLETT IONE DEW

Claimant/Applicant

- and -

MR OLIVER MILLS-NANYN

Defendant/Respondent

COMMITTAL ORDER

UPON the application of the Applicant by Notice dated 20 December 2021 for committal of the Defendant for contempt of court in respect of 20 breaches of the undertaking the Defendant gave the Court as recorded in Schedule 1 to the Order of Mr Justice Nicklin dated 4 March 2021 and set out in the Annex to the Application Notice

AND UPON the further application of the Applicant by Notice dated 20 December 2021 for an order that pursuant to paragraphs 3 and 5(a) of the Agreed Terms at Schedule 2 of the Order of Nicklin J dated 4 March 2021, judgment be entered against the Defendant in the sum of £30,000 following breaches of the undertaking at Schedule 1 of the Order and for an order that the Defendant do pay the Claimant's costs of and incidental to the proceedings on the indemnity basis

AND UPON the Defendant admitting all of the 20 breaches of the undertaking to the Court set out in the Application Notice dated 20 December 2021 in his witness statement dated 11 July 2022 and the Court being satisfied that the Defendant has been guilty of contempt of court

AND UPON reading the affidavits of (a) Scarlett Ione Dew, sworn on 16 December 2021 and 25 March 2022, (b) Macen Gilmore, sworn on 15 December 2021, (c) Charlotte Queenie Marie Stokes, sworn on 16 December 2021, (d) Shireen Dew, sworn on 16 December 2021; (e) Tom David Double, sworn on 17 December 2021; and (f) the witness statement of Oliver Mills-Nanyn dated 11 July 2022

AND UPON hearing Mr Hamer, Counsel for the Claimant and Mr Fagan, solicitor-advocate for the Defendant

AND THE COURT ORDERS that

1. Oliver Mills-Nanyn shall stand committed to prison for a period of six months.
2. That committal of Oliver Mills-Nanyn to prison under paragraph 1 above shall be suspended until 19 July 2024 so long as Oliver Mills-Nanyn complies with the undertakings to the Court in Schedule 1 to the Order of Mr Justice Nicklin dated 4 March 2021. After 19 July 2024 the sentence and warrant of committal shall be discharged.
3. Pursuant to paragraph 3 and 5(a) of Schedule 2 to the Order of Mr Justice Nicklin dated 4 March 2021 Oliver Mills-Nanyn shall pay the Claimant £30,000 in respect of damages and legal costs incurred prior to the date of that Order. The payment shall be made by 16 August 2022.
4. Oliver Mills-Nanyn do pay the Claimant's costs of and incidental to the proceedings to be assessed if not agreed, on the indemnity basis.
5. Oliver Mills-Nanyn shall make an interim payment on account in respect of the costs he has been ordered to pay in paragraph 4 in the sum of £98,154.63 by 16 August 2022.
6. Pursuant to CPR 81.8(8) a transcript of the judgment given at this hearing will be published on the website of the judiciary of England and Wales.

Dated 19 July 2022