Lusíada
Repositório das Universidades Lusíada

Universidades Lusíada

Correia, José de Matos, 1963-

Desrespeito pelo parlamento e responsabilidade política : reflexões em torno do relatório final do Committee of Privileges da Câmara dos Comuns do Reino Unido sobre a conduta de Boris Johnson

http://hdl.handle.net/11067/7134
https://doi.org/10.34628/c7b2-wh97

Metadados

Data de Publicação 2023

Resumo O objectivo do presente texto é resumir os aspectos essenciais do relatório do Committee of Privileges da Câmara dos Comuns sobre a conduta de Boris Johnson e deixar algumas considerações sobre o seu contributo para o conceito de responsabilidade política....

This text sums up the key points of the report of the Committee of Privileges of the House of Commons on Boris Johnson's conduct and makes some considerations about its contribution to the concept of political accountability....

Palavras Chave Johnson, Boris, 1964- - Crítica e interpretação, Primeiros-ministros - Grã-Bretanha, Ética política - Grã-Bretanha

Tipo article

Revisão de Pares Não

Coleções [ILID-CEJEA] Polis, s. 2, n. 07 (Janeiro-Junho 2023)

Esta página foi gerada automaticamente em 2026-10-30T01:04:53Z com informação proveniente do Repositório

http://repositorio.ulusiada.pt

Desrespeito pelo Parlamento e responsabilidade política
(Reflexões em torno do Relatório Final do Committee of Privileges da Câmara dos Comuns do Reino Unido sobre a conduta de Boris Johnson)[1]

Contempt of Parliament and political accountability
(Reflections about the Final Report of the Committee of Privileges of the House of Commons on Boris Johnson's conduct)

José de Matos Correia
Professor Auxiliar Convidado da Faculdade de Direito da Universidade Lusíada (Lisboa)
Investigador do CEJEA (Centro de Estudos Jurídicos, Económicos e Ambientais) da mesma Universidade
Advogado especialista em direito constitucional
Consultor da CMS/Rui Pena & Arnaut.
E-mail: 13000092@edu.lis.ulusiada.pt
DOI: https://doi.org/10.34628/c7b2-wh97

Sumário

1. Introdução
2. O *Committee of Privileges* e o *recall*
3. A instauração do inquérito
4. O processo
5. As conclusões do relatório final de 15 de Junho de 2023
6. O relatório adicional de 29 de Junho de 2023
7. O contributo do relatório para o conceito (e a prática) de responsabilidade política

Resumo: O objectivo do presente texto é resumir os aspectos essenciais do relatório do *Committee of Privileges* da Câmara dos Comuns sobre a conduta de Boris Johnson e deixar algumas considerações sobre o seu contributo para o conceito de responsabilidade política.
Palavras-chave: Câmara dos Comuns; Engano; Desrespeito; Responsabilidade política.

Abstract: This text sums up the key points of the report of the Committee of Privileges of the House of Commons on Boris Johnson's conduct and makes some considerations about its contribution to the concept of political accountability.
Keywords: House of Commons; Mislead; Contempt; Political accountability.

1. Introdução

Em democracias consolidadas, é pouco comum (poder-se-ia dizer, até, que é muito infrequente) que o Parlamento decida instaurar um inquérito dirigido a um dos seus membros, em ordem a apurar se este mentiu perante ele e as condições em que o fez.
É-o ainda menos, se a averiguação for dirigida contra um Deputado que, tanto quando as declarações foram proferidas, quanto no início do processo, acumulava essas funções com as de Primeiro-Ministro.
E é, ainda, inusual, a aplicação de uma sanção que pode conduzir à perda do mandato, ainda que tal tenha ocorrido num momento em que o visado tinha já abandonado a liderança do Executivo.
Ora, foi precisamente isso que sucedeu Boris Johnson que, por deliberação unânime da Câmara dos Comuns, foi objecto de um processo de investigação. Que viu ser considerada provada, pelo *Committee of Privileges* e pela própria Câmara, uma prática repetida de mentira perante esta, a propósito das explicações que deu acerca do desrespeito pelas regras aplicáveis no quadro da epidemia de Covid-19. E que foi objecto de aplicação de uma decisão de censura política, que poderia ter colocado em risco o seu lugar parlamentar (e que esteve na génese do seu acto de renúncia)
Precisamente pela sua natureza particular, este caso envolve um simbolismo inquestionável. Mas assume, também, uma relevância clara em termos dos elementos interpretativos que dele se podem retirar a propósito da densificação do conceito de responsabilidade política.
O presente texto pretende resumir os aspectos essenciais do relatório do *Committee of Privilees* (cujo teor integral se pode encontrar no final do presente comentário) e, na linha do que acima se disse, deixar algumas reflexões acerca das suas principais implicações.
Previamente, porém, é indispensável deixar algumas considerações

1 O autor não escreve de acordo com as regras do Acordo Ortográfico.

sobre as funções do *Committee of Privileges* e as possíveis consequências das suas decisões. Por aí se começará, portanto.

2. O *Committee of Privileges* e o *recall*

Instituído em 2012, o *Committee of Privileges* assumiu, parcialmente, as atribuições anteriormente cometidas ao *Standards and Privileges Committee,* cuja extinção deu lugar aquele e, também, ao *Committee on Standards*.
Nessa divisão, ao *Committee on Standars* passou a caber a supervisão da actividade do *Parliamentary Commissioner for Standards* (que não é membro da Câmara do Comuns), órgão responsável pelo acompanhamento das questões relacionadas com a conduta dos parlamentares e os seus interesses financeiros.
Por seu lado, o *Committe of Privileges* tem a seu cargo a apreciação de questões específicas relacionadas com os privilégios e imunidades daqueles nos termos que lhe sejam solicitados pela Câmara dos Comuns.
De composição multipartidária[2], a sua missão é apresentar relatórios sobre as questões que lhe tenham sido referidas, cuja adopção final (ou não) fica sujeita a decisão da Câmara dos Comuns[3]. Sendo que os efeitos desses relatórios (e das conclusões que deles constem) pode, contudo, revestir-se de grande alcance, não apenas jurídico, mas também político, por força de quanto se dispõe no *Recall of MPs Act 2015*.
O acto legislativo em causa regula as situações em que a revogação do mandato parlamentar (*recall*)[4] pode ocorrer e os mecanismos procedimentais a que isso terá de obedecer[5].
Das três situações ali previstas[6], que podem dar lugar ao *recall*, uma delas é que a Câmara dos Comuns, na sequência de um relatório do *Committee of Privileges*, decida suspender um dos seus membros por um período: (i) de dez dias de trabalhos parlamentares ou (ii) de, pelo menos, quatorze dias, haja ou não trabalhos parlamentares.
Se tal situação ocorrer, a decisão da Câmara dos Comuns é notificada, pelo *Speaker*[7], ao *Petition Officer* da circunscrição do membro dela objecto, que inicia o procedimento de *recall,* escolhendo dez locais onde os peticionários podem assinar o pedido.[8]
Caso, no prazo de seis semanas, 10% dos eleitores registados na circunscrição assinarem a petição, o *recall* considera-se aprovado e, consequentemente, o mandato perdido[9]. Se tal não suceder, o membro da Câmara dos Comuns visado retém-no e o processo encerra.
Tendo sucesso o *recall,* o lugar na Câmara dos Comuns vaga e uma eleição intercalar tem de ser convocada. O anterior titular é autorizado, contudo, a apresentar-se a essa eleição.
Como adiante se verá, o período de suspensão proposto pelo *Committee of Privileges* obrigaria Boris Johnson a submeter-se ao procedimento de *recall,* algo que poderá, certamente, explicar a sua atitude de, por antecipação, ter renunciado ao lugar de parlamentar.

3. A instauração do inquérito

Em 21 de Abril de 2022, a Câmara dos Comuns deliberou[10], por unanimidade, encarregar o *Committee of Privileges* de levar a cabo uma averiguação acerca do comportamento do "Rt Hon Member for Uxbridge and South Ruislip[11]", isto é, Boris Johnson.
Em causa estava a questão de saber se, na sua qualidade de Primeiro-Ministro, aquele tinha mentido à Câmara dos Comuns, em intervenções aí realizadas a propósito dos acontecimentos ocorridos no n.º 10 de *Downing Street*[12] e no *Cabinet Office*[13], no decurso do período da epidemia do COVID e no contexto da aplicação das regras e orientações ("Rules and Guidances") impostas pelo próprio Governo por ele liderado[14].
Na resolução - e embora sublinhando que o inquérito não se limitaria necessariamente a elas -, são referidas, especificamente, as seguintes declarações do Primeiro-Ministro, que pareciam, "prima facie", traduzir uma tentativa de enganar a Câmara dos Comuns:

- "Todas as orientações foram seguidas no n.º 10" (1 de Dezembro de 2021);
- "Desde que essas alegações surgiram, foi-me repetidamente assegurado que não houve qualquer festa e que as regras COVID não foram violadas" (8 de Dezembro de 2021);
- "Eu próprio estou chocado e furioso com isso, mas repito o que lhe disse: foi-me repetidamente assegurado que as regras não foram violadas" (8 de Dezembro de 2021);
- "As orientações foram seguidas e as regras foram, em todos os momentos, seguidas" (8 de Dezembro de 2021).

De acordo com a mesma decisão, a averiguação do *Committee of Privileges* não poderia, no plano substantivo, iniciar-se antes de estar concluído o inquérito, então curso, da responsabilidade da Polícia

2 Aquando da elaboração do relatório, era integrado por quatro Deputados do Partido Conservador, dois do Partido Trabalhista e um do Partido Nacionalista Escocês (*Scottish Nationalist Party*).
3 As conclusões dos relatórios do *Committee of Privileges* podem ser objecto de recurso para um painel de especialistas independentes (não membros da Câmara dos Comuns), cuja decisão é definitiva quanto ao teor dos mesmos.
4 Sobre o tema em termos gerais, pode ver-se, entre nós, Luís Barbosa Rodrigues, "Do *Recall* Político", *Lusíada, Direito,* n.º 27/28, pp. 139-170 (http://revistas.lis.ulusiada.pt/index.php/ldl/article/view/3132).
5 Sobre a questão, ver Neil Johnston e Richard Kelly, *Recall Elections,* Londres, Commons Briefing Papers, 2023 (https://researchbriefings.files.parliament.uk/documents/SN05089/SN05089.pdf).
6 As outras duas situações são: i) a condenação a pena de prisão (ainda que suspensa) inferior a um ano (uma vez que, se atingir esse limite, o Membro do Parlamento é oficiosamente removido de funções, por aplicação do *Representation of the People Act 1981*): ii) a condenação por prestação de falsas ou enganosas declarações em matéria de pedido de reembolso de despesas,
7 Corresponde ao nosso Presidente da Assembleia da República.
8 A assinatura pode ser pessoal, por representante ou ocorrer por via postal.
9 À data da elaboração deste texto, apenas três processos de *recall* tinham sido desencadeados e dois deles conduzido à perda do mandato.
10 Ver texto da resolução em https://commonsbusiness.parliament.uk/Document/56399/Html?subType=Standard#anchor-3.
11 Uxbridge and South Ruislip é o nome da circunscrição eleitoral situada na área da Grande Londres, que Boris Johnson representava desde Maio de 2015.
12 Residência Oficial do Primeiro-Ministro do Reino Unido.
13 Departamento governamental responsável pelo apoio ao Primeiro-Ministro e ao *Cabinet* (correspondendo, *grosso modo,* à Presidência do Conselho de Ministros).
14 A expressão "Rules and Guidances" utilizada ao longo do relatório refere-se ao conjunto de normas de conduta visando lidar com a situação gerada pela pandemia, assumindo aqui especial relevo as que se relacionam com o distanciamento social.

Metropolitana de Londres.
Subjacente a todos os factos está aquilo que ficou conhecido como "Partygate", termo que alude a uma série de reuniões/ajuntamentos de pessoas (ou, mesmo, festas), ocorridos na Residência Oficial do Primeiro-Ministro, nos seus jardins e noutros edifícios onde funcionavam departamentos governamentais e estruturas do Partido Conservador, em violação das restrições impostas por força da pandemia.
A vinda a público desses eventos causou, aliás, significativa agitação mediática e política e, à época daquela decisão da Câmara dos Comuns, tinha dado lugar a duas investigações autónomas: a da Polícia, já referida, e outra conduzida por Sue Gray, *Second Permanent Secretary in the Cabinet Office*, que foi, aliás, solicitada pelo próprio Boris Johnson[15].
A averiguação da Polícia foi encerrada no dia 19 de Maio de 2022. E, na sequência de quanto nela se apurou, foi aplicada a Boris Johnson (entre outros) uma multa de 50 libras, por violação das regras de confinamento.
Poucos dias depois, em 25 de Maio, o Relatório "Gray"[16] foi publicado. E nele concluiu-se, *inter alia*:

- "Independentemente da intenção inicial, aquilo que aconteceu em muitos dos ajuntamentos, e a forma como se desenvolveram, não obedeceu às orientações COVID em vigor à data",
- "Líderes no Governo participaram nos eventos que investiguei. Muitos desses eventos não deviam ter sido autorizados. Alguns dos funcionários mais juniores acreditaram que o seu envolvimento nalguns desses eventos era autorizado, tendo em conta a presença de líderes seniores. A liderança sénior, tanto política como civil, deve assumir responsabilidade por esta cultura";
- "Muitos ficarão consternados pelo facto de comportamentos deste tipo terem ocorrido, e a esta escala, no coração do Governo. O público tem o direito de esperar os mais elevados padrões de comportamento nesses lugares e, claramente, aquilo que aconteceu ficou longe disso".

Após a publicação deste relatório, muitas vozes do Partido Conservador assumiram, publicamente, que Boris Johnson deveria demitir-se.
E, em 6 de Junho de 2022, o Presidente do *1922 Committee*[17] anunciou que tinha recebido 54 cartas de censura ao lider do partido, desencadeando, obrigatoriamente, uma votação acerca da sua manutenção no cargo. No escrutínio, realizado no mesmo dia, Boris Johnson registou 211 votos a favor e 148 contra.
A escassa maioria obtida fragilizou, ainda mais, o Primeiro-Ministro.
E, no dia 5 de Julho de 2022, após mais de sessenta membros do seu Governo terem resignado, Boris Johnson apresentou a demissão das funções de líder do Partido Conservador e de Primeiro-Ministro.
Como antes notado, resulta desta factualidade que a averiguação do *Committee of Privileges* incidiu sobre comportamentos de Boris Johnson enquanto exercia a chefia do Governo, e por causa deles, mas proseguiu após a sua saída do cargo e quando era já, tão só, membro da Câmara dos Comuns.

4. O processo

Na sequência do mandato que lhe foi conferido, o *Committee of Privileges* fixou, como objecto do inquérito a seu cargo, a resposta às três seguintes perguntas:

- Foi a Câmara dos Comuns enganada (*mislead*)?
- Em caso afirmativo, traduziu-se isso num desrespeito (*contempt*), definido este como uma acção ou omissão que obstruiu ou impediu o funcionamento da Câmara dos Comuns?
- Em caso afirmativo, qual foi a gravidade desse desrespeito?

O *Committee of Privileges* iniciou os seus trabalhos em 29 de Junho de 2022, tendo recorrido a múltiplos meios de prova: testemunhos, nomeadamente de quem esteve presente nos eventos em investigação, e documentos de variada natureza, solicitados ao Governo, como mensagens de *WhatsApp, emails* e fotografias recolhidas pelo fotógrafo oficial de *Downing Street*.
Em 3 de Março de 2023, foi publicado um relatório intercalar em que, nomeadamente, foram identificadas as principais questões que o *Committee of Privileges* desejava colocar a Boris Johnson e a que este respondeu por escrito. Finalmente, em audiência pública, que teve lugar no dia 22 de Março de 2023, o visado foi ouvido.
Em ordem a garantir, especificamente, toda a legalidade e transparência deste processo, foi nomeado como consultor jurídico do *Committee of Privileges* um antigo juiz dos tribunais superiores.
Em 9 de Junho de 2023, após ter recebido uma cópia do projecto de relatório final, Boris Johnson renunciou ao seu mandato e fez críticas públicas violentas ao conteúdo do mesmo e aos membros do *Committee of Privileges* e, em especial, à sua Presidente, a trabalhista Harriet Harman.
Em 15 de Junho de 2023, e aprovado com o voto unânime dos sete membros do *Committee of Privileges*, o relatório final foi publicado.
Em 19 de Junho de 2023, a *Leader of the House of Commons*[18], Penny Mordaunt, apresentou à Câmara uma moção de aprovação do relatório final, que registou 354 votos a favor (118 dos quais membros do Partido Conservador, incluindo 15 membros do Governo[19]) e 7 contra.
Temendo as consequências internas do assunto, o Primeiro-Ministro Rishi Sunak optou por conceder liberdade de voto, o que permitiu a abstenção de 225 Deputados do seu partido.

15 Inicialmente, o pedido foi formulado a Simon Case, *Cabinet Secretary*, em 8 de Dezembro de 2021. Uma semana depois, este pediu escusa, em consequências de alegações de que uma festa se tinha realizado no seu próprio gabinete.

16 O texto do relatório pode encontrar-se em https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1078404/2022-05-25_final_findings_of_second_permanent_secretary_into_alleged_gatherings.pdf

25 Texto que pode ler-se em *Final findings of second permanent secretary into alleged gatherings.pdf*

17 Oficialmente designado *Conservative Private Members' Committee*, agrupa os *backbenchers* do Partido Conservador na Câmara dos Comuns, isto é, os deputados que não exercem funções governativas (*frontbenchers)*.

18 *Leader of the House of Commons* é um membro do Parlamento e do *Cabinet*, ao qual cabe representar o Governo junto daquela.

19 Sendo que o grupo parlamentar do partido era, à data, composto por 352 Deputados.

5. As conclusões do relatório final de 15 de Junho de 2023[20]

Num denso e bem fundado texto, que se espraia ao longo de mais de cem páginas, o relatório final[21] concluiu que Boris Johnson enganou a Câmara dos Comuns nas seguintes situações[22]:

- Quando disse, em 1 de Dezembro de 2021, que todas as orientações relacionadas com o Covid tinham sido seguidas na Residência Oficial; em 8 de Dezembro de 2021, que as regras e orientações foram sempre seguidas; em 12 de Janeiro de 2022, que os eventos na Residência Oficial estavam dentro das regras e orientações; e, em 25 de Maio de 2022, que nas reuniões em que tinha estado presente, para se despedir dos seus colaboradores, as regras e orientações tinham sido sempre seguidas;
- Quando não revelou o seu conhecimento das reuniões em que as regras e orientações foram violadas;
- Quando disse, em 8 de Dezembro de 2021, que se baseou em repetidas garantias de que as regras não tinham sido violadas; A este propósito, o *Committee of Privileges* reconhece haver, de facto, evidências de que lhe foi assegurado, por duas pessoas que tinham trabalhado na Residência Oficial, que não pensavam que a reunião de 18 de Dezembro de 2020 tivesse desrespeitado as regras Covid. No entanto, na perspectiva daquele*:*

(i) Boris Johnson tinha conhecimento pessoal sobre as reuniões, que deveria ter revelado;
(ii) Boris Johnson admitiu que não tinha qualquer garantia sobre o cumprimento, nessas reuniões, das orientações em vigor à data, mas transmitiu à Câmara que tais garantias eram abrangentes e para além do necessário, no que toca ao cumprimento, na Residência Oficial, de todas as medidas Covid;
(iii) As supostas garantias eram, apenas, relativamente à reunião de 18 de Dezembro de 2020 e não, genericamente, acerca do cumprimento, na Residência Oficial, das regras e orientações; e Boris Johnson transmitiu à Câmara a impressão de que essas garantias eram abrangentes, e para lá do necessário, relativamente ao cumprimento, ali, das medidas Covid no decurso de todo o período de restrições; em particular, o *Committee of Privileges* não recebeu qualquer prova de que quaisquer garantias específicas tenham sido fornecidas relativamente às reuniões de 20 de Maio de 2020, de 19 de Junho de 2020, de 13 de Novembro de 2020, de 27 de Novembro de 2020 e de 14 de janeiro de 2021, que analisou em detalhe;
(iv) As supostas garantias iniciais surgiram no contexto da resposta a perguntas da comunicação social; a conclusão de que as regras Covid tinham sido seguidas foi inicialmente desenvolvida de forma apressada, e sem qualquer investigação adicional, como linha mediática a seguir, pelo que não era apropriada a sua citação por Boris Johnson como reveladoras de uma indicação do cumprimento das medidas Covid na Residência Oficial;
(v) As duas únicas supostas garantias relativamente às quais existe evidência firme, não emanaram de funcionários públicos seniores ou de advogados do Governo, mas de dois assessores de imprensa, um dos quais foi politicamente nomeado por Boris Johnson; e consistiram, apenas, naquilo que esses indivíduos acreditavam ser o cumprimento das regras na reunião de 18 de Dezembro de 2020, e não eram, por isso, apropriadas para serem citadas como uma autorizada indicação do cumprimento, na Residência Oficial, das medidas Covid;

- Quando transmitiu a impressão de que, antes de poder responder às questões da Câmara, era necessária uma investigação pela *Second Permanente Secretary*, em ordem a determinar se as regras e orientações tinham sido violadas, uma vez que, enquanto repetia essa declaração, tinha conhecimento pessoal que não revelou;
- Quando, em 25 de Maio de 2022, tentou corrigir a sua declaração (enganosa) acerca do cumprimento das regras e orientações Covid nas reuniões de despedida na Residência Oficial em que esteve presente; tal declaração representou uma continuação dos seus anteriores enganos à Câmara e a tentativa de a apresentar como correcção foi, em si mesma, enganosa; a insistência, na resposta escrita, na veracidade do seu depoimento, e a recusa em corrigir esse registo, quando convidado a fazê-lo no depoimento oral de 22 de Março de 2022, constituiu engano adicional.

Adicionalmente, o relatório considera que Boris Johnson foi dissimulado para com o *Committee of Privileges* nas seguintes situações:

- Ao adoptar uma limitada e restritiva interpretação das declarações feitas na Câmara, nas sessões de perguntas ao Primeiro-Ministro de 1 e 8 de Dezembro de 2020, em flagrante contradição com a impressão geral, que claramente quis transmitir àquela, de que todas as regras e orientações tinham sido seguidas, em todos os momentos, na Residência Oficial;
- Ao alegar que, quando referiu que lhe tinha sido repetidamente assegurado, por "repetidamente" tinha querido dizer, apenas, "em mais de uma ocasião", o que é contrário à comum utilização em inglês: é claro que, quando Boris Johnson usou o termo "repetidamente" na sessão de perguntas ao Primeiro-Ministro, quis que a sua audiência acreditasse que tinha havido múltiplas situações em que as garantias tinham sido dadas, e não apenas numa, como sugere a evidência disponível ou, possivelmente, apenas em duas;
- Ao assumir que revelaria o nome de outra pessoa que tinha dado garantias e, depois, não o ter feito;

20 Ao longo do processo, o *Committee of Privileges* publicou outros relatórios, quer em matéria procedimental, quer relativamente a aspectos substantivos do mesmo que, por desnecessidade não serão inseridos no final deste comentário.

21 Para além de ser incluído no final do presente comentário, o texto integral do relatório é consultável em https://committees.parliament.uk/publications/40412/documents/197897/default.

22 Sobre o tema, pode ver-se Daniel Bowman e Andrew S. Roe-Crines, "The end of the rhetorical line? The "Partigate" investigations into former UK Prime Minister, Boris Johnson", *The Political Quarterly*, volume 94, n. º 3, Julho 2023, pp. 475-511.

- Ao declarar, no depoimento oral, que o *Committee of Privileges* tinha retido a publicação da "prova em que me baseio, que responde às acusações" e de "um número alargado de passagens em que baseio a minha defesa", mas, quando lhe foi facilitada a produção dessa prova, acompanhada de declarações acerca da sua veracidade, não fez qualquer uso dela nas suas posteriores respostas finais; isto sugere, de modo muito sólido, que Boris Johnson não "dependia", de todo, dessa prova, mas estava apenas a usá-la como estratégia para criticar o *Committee of Privileges* na sua audição pública;
- Ao avançar com uma interpretação insustentável das orientações, em ordem a poder negar as implicações da prova que demonstrou falta de distanciamento social;
- Ao ser incapaz de negar que proferiu as palavras "provavelmente o ajuntamento mais antisocialmente distanciado no Reino Unido neste momento", ao mesmo tempo que não foi capaz de admitir que as disse, o que evidencia uma tentativa de fuga à sua responsabilidade.

Dados estes factos como provados, o *Committee of Privileges* debruça-se, ainda, de forma detalhada, sobre as violentas críticas públicas feitas por Boris Johnson quando anunciou a sua renúncia ao cargo de Deputado.
E começa por relembrar que também esse comportamento traduzia uma violação dos seus deveres, uma vez que o projecto de relatório lhe tinha sido remetido (incluindo a indicação da sanção proposta), para que Boris Johnson se pudesse pronunciar sobre o seu teor, com a referência expressa, em todas as páginas, que o documento era estritamente confidencial e para conhecimento exclusivo dele e dos seus advogados. E, na sequência dessas considerações, desmonta, uma por uma, as acusações feitas pelo antigo Primeiro-Ministro na sua declaração.
Por fim, propõe a sanção a aplicar (evidenciando, aliás, que a mesma teria sido agravada em função de mais aquele desrespeito por parte de Boris Johnson):

> "Embora a renúncia do Senhor Johnson torne impossível uma sanção de suspensão, chamamos a atenção para o facto de que, antes dos eventos de 9 de Junho, tínhamos provisoriamente acordado numa suspensão suficientemente longa para desencadear a aplicação das disposições do *Recall of MPs Act*. Atentos os posteriores desrespeitos do Senhor Johnson, deixamos registado que, caso não tivesse renunciado, teríamos recomendado que fosse suspenso da Câmara por 90 dias, por reiterados desrespeitos e por ter procurado fragilizar o processo parlamentar ao:
>
> - Enganar deliberadamente a Câmara dos Comuns;
> - Enganar deliberadamente o *Committee of Privileges;*
> - Violar a confiança;
> - Questionar a actuação do *Committee of Privileges* e, por essa via, fragilizar o processo democrático na Câmara;
> - Ser cúmplice na campanha de abuso e de tentativa de intimidação do *Committee of Privileges*.
>
> Uma vez que o Senhor Johnson já não é membro da Câmara, recomendamos que não lhe seja concedido o cartão de livre-trânsito de antigo membro".

6. O relatório adicional de 29 de Junho de 2023

De forma, porventura, algo surpreendente, o trabalho do *Committee of Privileges* acabou por não se concluir com a elaboração do relatório final. Com efeito, no seu entendimento, no decurso do processo não tinha sido, apenas, Boris Johnson, a tentar condicionar a respectiva actuação, atacando os seus membros e desacreditando o seu trabalho. Alguns membros do Parlamento, dele politicamente próximos, tinham também agido de forma similar, em ordem a convencer os demais colegas da necessidade de não aprovar o relatório.
Em causa estava, especificamente, o comportamento de dez membros do Parlamento (nove da Câmara dos Comuns e um da Câmara dos Lordes), que, através dos meios de comunicação social e das redes sociais, desenvolveram uma campanha com esse objectivo.
Num novo relatório[23], particularmente duro, dado à estampa no dia 29 de Julho, tais atitudes foram escrutinadas e avaliadas à luz das obrigações dos Deputados e da liberdade indispensável ao trabalho do *Committee of Privileges,* concluindo com a seguinte recomendação principal:

> "Quando a Câmara dos Comuns remete uma questão relacionada com uma conduta individual para o *Committee of Privileges*, membros desta Câmara não devem questionar a integridade deste *Committee* ou dos seus membros ou tentar pressionar ou intimidar esses membros ou encorajar outros a fazê-lo, uma vez que tal comportamento fragiliza os procedimentos da Câmara e pode, em si mesmo, ser considerado uma forma de desrespeito".

No dia imediatamente à publicação, o único dos visados que era membro do Governo[24] apresentou o seu pedido de emissão, embora negando qualquer relação com a censura do seu comportamento que constava do relatório.
Porém, o Primeiro-Ministro Rishi Sunak tornou público que a demissão resultou da sua recusa em apresentar um pedido de desculpa ao *Committee of Privileges*, que por ele tinha sido imposto[25].
Em 10 de Julho de 2023, uma moção[26] submetida pela *Leader of the House of Commons,* reproduzindo aquela conclusão, foi aprovada em plenário sem recurso a votação.

23 *Matter referred on 21 April 2022: Co-ordinated campaign of interference in the work of the Privileges Committee*, cujo texto se pode encontrar em https://committees.parliament.uk/publications/40679/documents/198237/default/).
24 Tratou-se de Zac Goldsmith, que desempenhava as funções de *Minister of State for Overseas Territories, Commonwealth, Energy, Climate and Environment* (sendo que *Minister of State* corresponde ao nosso cargo de Secretário de Estado).
25 Zac Goldsmith tinha publicamente qualificado o processo como uma "caça às bruxas" e o *Committee of Privileges* como um "tribunal fantoche".
26 O texto pode ser consultado em https://commonsbusiness.parliament.uk/Document/80908/Html?subType=Standard#_idTextAnchor002

7. O contributo do relatório para o conceito (e a prática) de responsabilidade política

Antes de prosseguir para a ponderação dos contributos do relatório no que toca à questão central da responsabilidade política, e embora situando-nos, evidentemente, no plano hipotético, vale a pena equacionar a seguinte questão: documento de idêntico ou similar teor teria visto a luz do dia caso Boris Johnson, à data da sua publicação, permanecesse, ainda, na chefia do Governo? E, mais do que isso, a própria Câmara dos Comuns, em que o Partido Conservador gozava de ampla maioria, tê-lo-ia aprovado?

A interrogação justifica-se, desde logo, porque as consequências políticas seriam claramente distintas. Com efeito, se, no caso concreto, tal aprovação conduziu, tão-só, à renúncia ao mandato – e, como se disse, poderia ter levado à sua perda, caso esta não tivesse ocorrido -, se Boris Johnson ocupasse o cargo de Primeiro-Ministro, e o *recall* fosse bem-sucedido, colocar-se-ia, automaticamente, a questão da sua permanência no cargo.

De acordo com uma "constitutional convention"[27], o Primeiro-Ministro do Reino Unido deve ser membro do Parlamento (e, em especial, da Câmara dos Comuns). É certo que, precisamente pela natureza daquela, nada impede, no plano jurídico, que o chefe do Executivo possa ser recrutado fora do Parlamento. Embora, há que reconhecê-lo, isso raramente ocorra e possa gerar um problema de difícil solução, nomeadamente no que toca à sua possibilidade de responder perante a Câmara dos Comuns e, muito em especial, de participar *Prime Minister's Questions* (precisamente por dela não ser membro)

Como se disse, se a sanção proposta pelo *Committee of Privileges* viesse a conduzir, na sequência da obrigatória abertura de um procedimento de *recall,* à perda de mandato de Boris Johnson e à consequente realização de eleições intercalares no seu círculo, mesmo que aquele se recandidatasse com sucesso durante alguns meses o Governo não seria liderado por um membro do Parlamento.

Tal período de interregno não seria, nos tempos modernos, absolutamente inédito. Em Outubro de 1963, Alec Douglas-Home foi eleito líder do Partido Conservador e assumiu, em consequência, funções como Primeiro-Ministro. Membro, à época, da Câmara dos Lordes, renunciou ao pariato e, duas semanas depois, obteve um lugar na Câmara dos Comuns, também através de eleição intercalar numa circunscrição que, entretanto, tinha vagado.

Mas, manifestamente, não se trataria de situações minimamente comparáveis, pelo que se afigura que a aprovação de um relatório deste jaez pelo *Committee of Privileges*, primeiro, e a sua confirmação pela própria Câmara dos Comuns, depois, tornaria insustentável para Boris Johnson permanecer como Primeiro-Ministro, mesmo que, insistimos, porventura viesse a conseguir vencer a eleição intercalar no seu círculo eleitoral.

Como é óbvio, não é impossível que as consequências, politicamente devastadoras, da cessação de funções de um Primeiro-Ministro em funções numa situação com esses contornos, pudessem levar a maioria de que o Partido Conservador beneficiava a encontrar fundamentos para rejeitar, em plenário da Camara dos Comuns, o relatório do *Committee of Privileges*[28]. Mas, cremos existirem, também, elementos (que julgamos, inclusive, mais fortes) que apontam para a maior plausibilidade de sucesso desta iniciativa.

Desde logo, por se nos afigurar muito relevante a circunstância de a abertura do inquérito ter resultado de uma deliberação unânime da Câmara dos Comuns.

Depois, por ser inequívoco que os factos apurados (com todas as garantias de defesa do visado, sublinhe-se) apontam no sentido de que Boris Johnson faltou mesmo à verdade perante a Câmara dos Comuns, e por mais de uma vez, não tendo aproveitado, além disso, as oportunidades que lhe foram dadas para se retratar.

Ora, perante a constatação desse comportamento, tornar-se-ia extremamente difícil aos membros do Parlamento não avançarem com a condenação de Boris Johnson. E, mesmo que esta ficasse aquém do limite que pode conduzir à perda de mandato, no plano político a consequência tenderia, com elevado grau de probabilidade, a ser idêntica, dada a amplitude com que ficaria afectada a confiança pública no Primeiro-Ministro.

Por fim, por não poder olvidar-se a relevância que tem, na Câmara dos Comuns, o comportamento dos *backbenchers,* e de que o passado mais ou menos recente nos forneceu tantas evidências no que toca à retirada de condições a Primeiros-Ministros (tanto conservadores como trabalhistas) para permanecer no cargo: Margaret Thatcher, em 1990, Tony Blair em 2007, ou Liz Truss em 2022.

Recorde-se, a esse propósito, que já no decurso do processo (formalmente iniciado em 21 de Abril de 2022), Boris Johnson foi obrigado, em 6 de Junho (pouco tempo depois da publicação do relatório Gray) a submeter-se a uma votação, que venceu de modo pouco convincente. E que, depois disso, pouco mais tempo permaneceu como Primeiro-Ministro.

Neste contexto, há que relembrar que o sistema eleitoral para a Câmara dos Comuns[29] – maioritário a uma volta – fragiliza a disciplina de voto e conduz o titular do mandato, por vezes, a enveredar, por posições que, embora contrárias ao interesse da direcção política central, vão ao encontro da leitura dos eleitores da sua circunscrição.

Partindo deste pressuposto, não custa aceitar que, atenta a degradação da imagem de Boris Johnson, acentuada de forma significativa por este processo, um número relevante de *backbenchers* do seu partido lhe pudesse retirar o apoio. Algo que, somado aos votos de toda a oposição, conduziria, com elevado grau de probabilidade, a um voto de censura do seu comportamento, que só poderia ser lido como re-

27 "As *constitutional conventions* têm por referência o exercício de poderes e responsabilidades que determinam o comportamento dos agentes políticos. Do ponto de vista da sua natureza, trata-se de orientações que, não sendo juridicamente vinculativas (por isso se diferenciando do costume em sentido técnico), não podem em consequência ser impostas pelos tribunais. Contudo, isso não coloca em causa o papel crucial que desempenham, uma vez que regulam aspectos fundamentais do funcionamento do sistema político, que de outra forma não seriam enquadrados, por força da inexistência de normas legais que os orientem". (José de Matos Correia e Ricardo Leite Pinto, *Lições de Ciência Política e Direito Constitucional – Eleições, Referendo, Partidos Políticos e Sistemas Constitucionais Comparados,* Lisboa, Universidade Lusíada Editora, 2018, p. 164).

28 A sua rejeição, logo no *Committee of Privileges*, afigurar-se-ia mais implausível, desde logo por força da sua composição, partidariamente mais equilibrada, e da presença neste de Deputados conservadores críticos de Boris Johnson.

29 Sobre as suas características, pode ver-se José de Matos Correia e Ricardo Leite Pinto, *Op. Cit.*, p. 42 e seguintes.

presentando a perda de confiança por parte da Câmara dos Comuns.
Em ordem a sustentar esta leitura, vale a pena trazer à colação um estudo de opinião realizado pelo *YouGov* no próprio dia da publicação do relatório, que demonstra bem de que lado estavam os eleitores[30]:

- Inquiridos sobre se a punição proposta para Boris Johnson era demasiado severa, só 15% se pronunciou nesse sentido, sendo que 42% a considerou branda e 23% adequada;
- Questionados sobre se Boris Johnson tinha sido tratado de forma justa pelo *Committee of Privileges,* 47% considerou que sim e apenas 20% que não;
- Perguntados sobre se tinha enganado o Parlamento, 69% afirmou que sim e tão só 14% que não.

A este propósito, não é despiciendo, ainda, notar que, de acordo com estudos de opinião anteriores a estes factos, já era visível a preocupação dos cidadãos com actuações dos membros do Parlamento que se traduzam numa tentativa voluntária de faltar à verdade perante este.
Assim, em 2021 e 2022, uma prestigiada organização britânica, denominada *Constitution Unit*, desenvolveu um projecto designado "Democracia no Reino Unido após o *Brexit*", em cujo âmbito foram realizados dois estudos de opinião com uma larga base de participantes.

Em ambos os estudos, foi perguntado quais as características que valorizavam nos políticos. E, dos quinze items colocados à apreciação, os mais votados foram a honestidade e a admissão dos erros cometidos. Acima, por exemplo, do cumprimento de promessas ou da capacidade de realização.
Além disso, outra questão-chave do estudo foi a escolha entre duas opções: i) "uma democracia saudável requer que os políticos actuem sempre dentro das regras a que estão sujeitos"; ii) "uma democracia saudável significa obter resultados, mesmo que isso, por vezes, requeira que os políticos quebrem as regras".
Em 2021, 75% dos que responderam escolheu a primeira e apenas 6% a segunda. Em 2022, aquela subiu para 78% e a segunda permaneceu no mesmo valor[31].
Em conclusão: face a todos os argumentos invocados, não custa admitir como (bastante) mais provável a aprovação do relatório, tanto no *Committee of Privileges* quanto na Câmara dos Comuns, mesmo que, à data, Boris Johnson ainda liderasse o Partido Conservador e o Executivo.
Prossigamos, então, deixando algumas considerações sobre o conceito de responsabilidade política, seguramente um dos mais fluidos que se pode encontrar no quadro do Direito Constitucional e da Ciência Política, quer no plano doutrinário, quer no que respeita à sua dimensão aplicativa. E, neste segundo, é-o de forma acrescida, porquanto a sua interpretação flutua sobremaneira, muito em função das maiorias políticas e das circunstâncias (e conveniências) conjunturais.

Trata-se de um conceito que, como sublinha Ugo Rescigno, pode ser entendido em três dimensões[32]:

- Como responsabilidade em sentido estrito (também denominada responsabilidade institucional), caracterizada pela existência, no órgão controlante, de poderes jurídicos reais, capazes de produzir efeitos negativos, como a demissão, no órgão controlado;
- Como responsabilidade em sentido lato, que consiste na possibilidade de crítica de um órgão relativamente a outro órgão;
- Como responsabilidade difusa, isto é, como a sujeição necessária de todos os titulares do poder político à discussão e crítica, na praça pública, ou no espaço público, das suas acções e omissões.

Num patamar diverso, relativo à sua dimensão subjectiva, é possível falar em responsabilidade governamental colectiva e em responsabilidade ministerial individual.
A primeira, de longe a mais comum, assenta na ideia de um julgamento global do Executivo, seja como consequência de uma apreciação negativa da sua acção como um todo, seja do comportamento de um ou mais dos seus membros, no quadro do princípio da solidariedade governamental.
A segunda, mais esporadicamente consagrada no plano formal, permite ao órgão de controlo isolar, apenas, um deles, e forçar à sua demissão[33]. Mas a ela também se pode de algum modo reconduzir, embora já no quadro da responsabilidade difusa, a figura do *recall*.
Errada – ou convenientemente – assiste-se, ainda hoje, com regularidade, à tentativa de restringir o uso da responsabilidade política às situações em que a censura a que pode conduzir se relacionem, em exclusivo, com comportamentos ou atitudes imputáveis ao Governo (ou aos seus membros) no quadro estrito do exercício das suas competências funcionais e por causa delas.
Dito de outra forma: nessa perspectiva, a responsabilidade política só poderia ter por base uma incompetente, desajustada ou fracassada actuação, incompatível com a prossecução dos interesses públicos que cabe aos visados defender e promover.
Manifestamente, tal contracção interpretativa não tem qualquer sentido. Com efeito, a um governante não se exige, apenas, que governe bem. Impõe-se, também:

- Que, por força do cargo que exerce, respeite padrões de comportamentos mínimos, decorrentes do estatuto que ele envolve;

30 O estudo pode ser lido em https://yougov.co.uk/topics/politics/survey-results/daily/2023/06/15/2a213/3.

31 Os dados são retirados de Meg Russell, "The misleading of parliament greatly troubles the public: something should be done" (https://constitution-unit.com/2023/02/20/the-misleading-of-parliament-greatly-troubles-the-public-something-should-be-done/).

32 Seguimos aqui quanto se escreve em José de Matos Correia e Ricardo Leite Pinto, *Lições de Ciência Política e Direito Constitucional (Teoria Geral do Estado e Formas de Governo)*, Lisboa, Universidade Lusíada Editora, Lisboa, 2020, p. 355. Ver também, dos mesmos autores, *A Responsabilidade Política,* Lisboa, Universidade Lusíada Editora, 2010, p. 25 e seguintes.

33 Em Itália, por exemplo, essa prática tem assento na interpretação do n.º 2 do artigo 95.º da Constituição (que estipula que os Ministros são responsáveis, no conjunto, pelos actos do Conselho de Ministros e, individualmente, pelos actos dos seus ministérios), que foi validada pelo Tribunal Constitucional. Em 1995, o Ministro da Justiça, Filippo Mancuso, foi alvo da única moção de censura individual que, até hoje, teve sucesso, abandonando o cargo na sequência da sua aprovação.

- Que obedeça a certos limites na sua conduta, não só enquanto político, mas, também, como cidadão;
- Que assuma, até, as consequências dos actos gravosos praticados por aqueles que livremente escolheu (uma responsabilidade objectiva, portanto).

A tudo isto acrescendo que, muitas vezes (embora não seja esse o caso na situação *sub judicio*) não se requer, sequer, a presença de uma intenção (ou culpa), bastando-se a responsabilidade com a evidência de uma relação causal entre o comportamento do governante e os factos. Notar-se-á, aliás, que a prática da responsabilidade política tem vindo a orientar-se, cada vez mais – e bem –, em sentido inverso, sendo cada vez mais frequentes as situações em que a sua efectivação tem por base factos alheios à avaliação estrita da qualidade da governação.

O presente caso é, aliás, paradigmático desta leitura. Em nenhum momento o *Committee of Privileges* resvala para a análise dos méritos ou deméritos da actuação de Boris Johnson enquanto chefe do Governo. Como nele claramente se afirma, "o inquérito foi acerca daquilo que é a verdade, algo que vai ao coração da confiança de que o nosso sistema de responsabilização depende"[34].

Aqui chegados, vale a pena sublinhar, adicionalmente, que, no Reino Unido, a obrigação, para os ministros, de não enganarem ou induzirem em erro o Parlamento, não resulta, só – embora isso fosse mais do que suficiente –, das regras básicas de qualquer regime democrático consolidado. Com efeito, o *Ministerial Code*[35] em vigor, aprovado em 2010, é claro, na alínea c) do ponto 1.3., quando estatui: "é da maior importância que os Ministros prestem ao Parlamento informação verdadeira e precisa, corrigindo qualquer erro inadvertido na primeira oportunidade. Os Ministros que conscientemente enganem o Parlamento devem pedir a demissão ao Primeiro-Ministro".

É verdade que a formulação da norma não refere, expressamente, as situações em que o responsável por esse comportamento é o próprio chefe do Executivo. Mas, como é evidente, ela é-lhe aplicável por um argumento de maioria de razão. Até porque, como refere o *Committee of Privileges,* numa passagem do relatório a que adiante se voltará, o Primeiro-Ministro estabelece o padrão de comportamento para todos os outros ministros, incluindo no que toca à prestação de contas perante a Câmara.

A isso acresce que, quando um ministro seja membro do Parlamento (o que, não sendo teoricamente necessário, sempre acontece, por via, também, de uma *constitutional convention*) é-lhe aplicável, em simultâneo, o "Código de Conduta dos Membros do Parlamento"[36], que para aí transpõe os chamados "Sete Princípios da Vida Pública". E, entre esses, encontra-se o princípio da honestidade, que impõe que os titulares de cargos públicos sejam verdadeiros.

É neste quadro geral que, a nosso ver, o contributo dado por todo este processo (e pelo relatório em que culminou) para o reforço das exigências ínsitas no conceito de responsabilidade política deve ser enaltecido. E, a esse propósito, há que sublinhar, desde logo, que se trata de um texto lapidar na identificação da natureza crucial do objecto do inquérito.

Assim, a ideia central[37] que dele ressalta é a de que o sistema democrático, e o papel chave que nele desempenha a responsabilidade política, dependem da ideia de confiança.

Nesse quadro, a função das eleições não é, apenas, a de eleger Deputados e de propiciar a formação de governos, mas também a de criar condições para que as leis sejam aprovadas e o Executivo responsabilizado pelas suas acções.

Nessa medida, a democracia depende da circunstância de os Deputados poderem confiar em que aquilo que os ministros lhes dizem, na Câmara dos Comuns, corresponde à verdade.

Declarações mentirosas ou enganosas dos ministros são, inclusive, mais prejudiciais do que comportamentos similares provenientes de membros da oposição ou de *backbenchers*, na medida em que impedem que a Câmara dos Comuns desempenhe o seu papel insubstituível de escrutínio do Governo. E se, como sucedeu no caso concreto, aquele que é suspeito de enganar a Câmara dos Comuns é o próprio Primeiro-Ministro, o efeito dessa atitude é excepcionalmente sério, por dois motivos: pelo potencial impacto sobre a confiança dos cidadãos e porque – já o referimos antes - o Primeiro-Ministro estabelece o padrão de comportamento para todos os outros ministros no que toca à prestação de contas perante a Câmara.

É inevitável que os membros do Governo cometam erros ou inadvertidamente se equivoquem. Mas enganarem, intencional ou irresponsavelmente, recusarem-se a responder a perguntas legítimas ou falharem na correcção de declarações enganosas, impede ou fragiliza o funcionamento da Câmara dos Comuns e constitui um desrespeito por esta.

Embora tal não seja aí afirmado, resulta também da linha argumentativa do relatório que há um conjunto de exigências mínimas, em termos de ética política, que não pode deixar de ser equacionado. Não só porque nem todos os meios são legítimos, seja no exercício do poder, seja ainda menos quando o desiderato é garantir, a todo o custo, a permanência nele, mas também porque é indispensável densificar os laços de confiança entre os eleitores e os seus representantes, condição indispensável para o reforço das instituições e da sua credibilidade, que se encontra manifestamente abalada, com consequências de todos bem conhecidas.

Um outro ponto deve ser destacado, o qual, embora se fique a dever, em larga medida, à situação de acumulação de funções entre membro do Parlamento e do Governo que caracteriza o Reino Unido, a qual é substancialmente incomum[38], não deixa de ser muito significativo.

Trata-se da circunstância de, tendo embora os comportamentos de Boris Johnson ocorrido na qualidade de Primeiro-Ministro, a sua demissão não ter extinguido a necessidade de o responsabilizar politicamente pelos mesmos, culminando:

- Num primeiro momento, na proposta de aplicação de uma sanção de suspensão do mandato parlamentar (que, como foi

34 Ponto 8.

35 Texto em https://www.gov.uk/government/publications/ministerial-code/ministerial-code.

36 Texto em https://publications.parliament.uk/pa/cm5803/cmcode/1083/1083.pdf.

37 Ver, a este propósito, os pontos 4 a 9 do relatório.

38 Por exemplo, em Portugal é legalmente incompatível com o exercício do mandato de Deputado o desempenho do cargo de ministro (alínea a) do n.º 1 do artigo 20.º do Estatuto dos Deputados).

indicado, poderia ter conduzido à respectiva perda se a renúncia não tivesse, entretanto, ocorrido, como veio a suceder);
- Num segundo momento, precisamente por ter pretendido elidir essa responsabilidade com a renúncia, a proposta de punição, simbólica, de recusa de concessão do cartão de livre-trânsito a que têm direito os antigos parlamentares.

Como se escreveu antes, alguns, na Câmara dos Comuns – embora em reduzido número –, vocalizaram a sua discordância, não só com o relatório do *Committee of Privileges*, mas, igualmente, com a sua (suposta) falta de equidade e garantias. Houve, até, quem considerasse que tudo não passava de um julgamento político, que se tratava de um acto de censura ou que em causa estava uma tentativa de vingança pelo facto de, após o insucesso de Theresa May, Boris Johnson ter conduzido, com êxito, o processo do *Brexit*. E não custa admitir que um número relevante dos Deputados do Partido Conservador, que optaram pela abstenção (que lhes foi possivel, recorde-se, pela liberdade de voto concedida) se revisse nesse tipo de apreciação (ou que tivesse enveredado por tal postura em função da avaliação que fez do sentimento predominante no seu círculo eleitoral). E, fora do Parlamento, alguns – não muitos – "opinion makers" alinharam pelo mesmo diapasão.

É manifesto, porém, que tais acusações não têm qualquer base de suporte. O relatório final do *Committee of Privileges* evidencia, para lá de qualquer dúvida razoável, que Boris Johnson mentiu: primeiro, à Câmara dos Comuns; depois, perante o próprio *Committee of Privileges*; e, por fim, tendo-lhe sido dada oportunidade para se retratar, optou pela fuga para a frente, preferindo negar o óbvio e manter a mentira (ou agravá-la).

Este tipo de comportamento não foi, aliás, único ou limitado, uma vez que a relação de Boris Johnson com a verdade, enquanto exerceu as funções de liderança do Governo (pelo menos) foi, muitas vezes, complexa. Como refere David Judge, o desempenho de Boris Johnson como Primeiro-Ministro foi "caracterizado por uma propensão geral para enganar, desinformar, dizer inverdades e mentir abertamente, conduzindo a uma crescente preocupação em Westminster com a tendência do Primeiro-Ministro para dizer inverdades nos Comuns, com aparente impunidade"[39].

É tempo de terminar. E, face ao modo como todo este processo decorreu, às conclusões a que chegou e às sanções propostas pelo *Committee of Privileges*, é mesmo possível – e adequado – retirar algumas inferências quanto aos contributos mais relevantes que o seu trabalho deu, tanto no domínio jurídico-constitucional, quanto no plano político, para a densificação do conceito de responsabilidade política (cuja utilidade, de resto, vai muito para além do sistema político-constitucional do Reino Unido). Ilacções que se podem sumariar nos seguintes termos:

- A prestação de contas perante o órgão controlante impõe, em todas as circunstâncias, a obrigatoriedade de não faltar à verdade nas declarações que perante ele são feitas e nas informações que lhe são fornecidas (para além, naturalmente, de lhe dar conhecimento de tudo quanto seja necessário ao exercício das suas funções);
- Não é aceitável, em consequência, que o recurso à retórica política, presente, por natureza, nos debates parlamentares, constitua causa justificativa para faltar à verdade, ser enganoso ou prestar declarações ambíguas;
- Mentir ao órgão controlante, por negligência, descuido ou ignorância, deve, na ausência de retratação adequada, voluntária e feita na primeira oportunidade, conduzir à efectivação da responsabilidade política, nos termos que forem considerados adequados por aquele – mas também pode essa responsabilidade ser elidida (ao menos no plano da responsabilidade institucional), caso a retratação seja vista como adequada e suficiente;
- Resultando a mentira de uma actuação dolosa, é mais problemática a aceitação da possibilidade de recurso à retratação e a sanção a aplicar tenderá, evidentemente, a ser mais gravosa;
- Estando em causa, no quadro descrito, comportamentos de um governante, duas possibilidades se colocam: a sua remoção do cargo em função de uma moção de censura individual ou do recurso ao *recall* ou, inexistindo qualquer desses institutos, a respectiva demissão por iniciativa do Primeiro-Ministro;
- Caso o visado seja o próprio chefe do Governo, três hipóteses podem também emergir (e isso, evidentemente, se o próprio não entender abandonar o cargo por vontade própria): a demissão em consequência da aprovação de uma moção de censura ao Executivo, nas situações em que tal for possível (como sucede, v, g., nalguns sistemas semipresidenciais), por decisão do Presidente da República e (embora já não no planop institicional) a retirada de confiança política por parte do seu próprio partido;
- A responsabilidade política pela mentira ou engano ao órgão controlante, é, assim, de natureza claramente institucional e não de índole meramente difusa;
- No quadro de um regime democrático, é possível, se a gravidade das situações o justificar, ultrapassar as clivagens partidárias, mesmo quando em causa esteja a efectivação da responsabilidade política com as consequências mais gravosas que lhe estão associadas, e adoptar as decisões que a defesa das instituições, e do seu prestígio, exige.

Para além de tudo isto, porém, a actuação do *Committee of Privileges* tem, ainda, como sublinha Hannah White[40], um excepcional valor para a democracia: o de evidenciar a importância de um mecanismo que permite a um pequeno grupo de parlamentares fazer cumprir o princípio segundo o qual um político deve dizer a verdade.

39 "Would I Lie to You?": Boris Johnson and Lying in the House of Commons", *The Political Quarterly*, volume 93, n.º 1, Março-Junho 2023, p. 77 (que se pode encontrar em https://strathprints.strath.ac.uk/79597/1/Judge_PQ_2022_Boris_Johnson_and_lying_in_the_House_of_Commons.pdf).

40 "The extraordinary significance of the Privileges Committee verdict on Boris Johnson" (https://www.instituteforgovernment.org.uk/comment/privileges-committee-verdict-boris-johnson).

Relatório da Câmara dos Comuns sobre a conduta de Boris Johnson

Matter referred on 21 April 2022 (conduct of Rt Hon Boris Johnson): Final Report Fifth Report of Session 2022–23[1]

Report, together with formal minutes relating to the report

Ordered by the House of Commons to be printed 15 June 2023

Committee of Privileges
The Committee of Privileges is appointed to consider specific matters relating to privileges referred to it by the House. The scope of any inquiry comprises all matters relevant to the matter referred.

Current membership
Andy Carter MP (*Conservative, Warrington South*) Alberto Costa MP (*Conservative, South Leicestershire*)
Allan Dorans MP (*Scottish National Party, Ayr, Carrick and Cumnock*) Yvonne Fovargue MP (*Labour, Makerfield*)
Ms Harriet Harman MP (*Labour, Camberwell and Peckham*) (*Chair*) Sir Bernard Jenkin MP (*Conservative, Harwich and North Essex*)
Sir Charles Walker MP (*Conservative, Broxbourne*)

Summary

1. On 21 April 2022, the House of Commons, without division, referred to the Committee of Privileges a matter concerning the conduct of the Rt Hon Boris Johnson MP, the Member for Uxbridge and South Ruislip, that is, whether he had misled the House and whether that conduct amounted to a contempt.
2. This inquiry goes to the very heart of our democracy. Misleading the House is not a technical issue, but a matter of great importance. Our democracy is based on people electing Members of Parliament not just to enable a government to be formed and supported but to scrutinise legislation and hold the Executive to account for its actions. Our democracy depends on MPs being able to trust that what Ministers tell them in the House of Commons is the truth. If Ministers cannot be trusted to tell the truth, the House cannot do its job and the confidence of the public in our democracy is undermined. When a Minister makes an honest mistake and then corrects it, that is democracy working as it should.
3. On 19 July 2022 the Committee resolved how it would conduct its inquiry. On 21 July 2022 the Committee published a report setting out its procedure. The Committee has at all times followed the law and customs of Parliament. The fundamental procedure is governed by the standing orders and precedent of the House. In its procedural resolution the Committee set out a detailed process designed to be both rigorous in its inquiries and fair to Mr Johnson. Neither the Government nor any Member has proposed to the House that the procedure should be altered or set out how this would be done. The answers to the opinions of Mr Johnson's legal advisers criticising that procedure, to the extent not previously published by this Committee, are set out in Annex 1 to this Final Report. The criticisms are without merit.
4. All the evidence on which the Committee has relied, including that from Mr Johnson, has been given on oath, that is, with a signed statement of truth where the evidence is in writing. The Committee has disclosed to Mr Johnson all documents that have been submitted to the inquiry, without any redaction. Mr Johnson knows the identities of all witnesses. At his request and as part of a fair procedure, Mr Johnson was given notice of all the issues that arose from the evidence submitted to the Committee so that he might provide his own written evidence. Mr Johnson availed himself of the opportunity to give written evidence, and in addition gave oral evidence at a hearing on 22 March 2023. Mr Johnson was subsequently given the opportunity to provide further written evidence which he did on 22 May 2023. The provisional conclusions of the Committee were delivered to Mr Johnson on 8 June 2023 so that he could respond. There is no matter upon which the Committee has reported that Mr Johnson has not had the

1 Fonte: publications.parliament.uk/pa/cm5803/cmprivi/564/report.html

opportunity to answer or comment upon.
5. In our inquiry we examined what Mr Johnson said to the House about gatherings in No. 10, and whether what he said to the House was correct or not. If a statement was misleading, we considered whether it was a genuine error or was intentional or reckless, and whether the record was corrected comprehensively and in good time.
6. We established that Mr Johnson:

a) had knowledge of the Covid Rules and Guidance
b) had knowledge of breaches of the Rules and Guidance that occurred in No. 10.
c) misled the House:
i) when he said that Guidance was followed completely in No. 10, that the Rules and Guidance were followed at all times, that events in No. 10 were within the Rules and Guidance, and that the Rules and Guidance had been followed at all times when he was present at gatherings
ii) when he failed to tell the House about his own knowledge of the gatherings where rules or guidance had been broken
iii) when he said that he relied on repeated assurances that the rules had not been broken. The assurances he received were not accurately represented by him to the House, nor were they appropriate to be cited to the House as an authoritative indication of No. 10's compliance with Covid restrictions
iv) when he gave the impression that there needed to be an investigation by Sue Gray before he could answer questions when he had personal knowledge that he did not reveal.
v) when he purported to correct the record but instead continued to mislead the House and, by his continuing denials, this Committee
d) was deliberately disingenuous when he tried to reinterpret his statements to the House to avoid their plain meaning and reframe the clear impression that he intended to give, namely
i) when he advanced unsustainable interpretations of the Rules and Guidance to advance the argument that the lack of social distancing at gatherings was permissible within the exceptions which allowed for gatherings, and
ii) when he advanced legally impermissible reasons to justify the gatherings.

7. We took written evidence, submitted with statements of truth, from witnesses present at the relevant times, to inform us of what Mr Johnson would have known at the time of his statements to the House. We heard oral evidence under oath from Mr Johnson. In response to Mr Johnson's proposed reliance on material that was not supported by a statement of truth, we ourselves obtained further evidence on his behalf. We relied only on first-hand evidence and not on hearsay. We considered evidence supplied by the Government, including emails, WhatsApp messages and photographs. We received a limited number of WhatsApp messages from Mr Johnson. We paid a visit to No. 10 to inspect for ourselves the locations of the various gatherings to which Mr Johnson referred in the House. We considered all of the evidence that we received and came to conclusions about the facts.
8. We took into account facts which are not in dispute because they are matters of public record, for example:

e) the words used in the Rules and Guidance
f) the words used by Mr Johnson in answer to questions in the House
g) public statements made by Mr Johnson, e.g. in press briefings at No. 10
h) the dates of gatherings.

9. In respect of factual issues which Mr Johnson disputed in his written and oral evidence:

i) we gave him notice in our Fourth Report of the likely issues arising out of the evidence we had received
j) we looked at each disputed question
k) we put that dispute to him in the oral hearing
l) we considered his answers alongside all of the other evidence.

10. We came to our conclusions about those facts having regard to the quality and reliability (including the consistency) of the evidence that we had received. The most important examples of the facts that were disputed were those relating to the gatherings which Mr Johnson attended, that is:

m) what he would have known about because he was there
n) what he saw
o) what was said
p) what the gathering was for
q) the facts relating to the assurances that he received from Jack Doyle and James Slack, who were successively appointed as Downing Street Director of Communications by Mr Johnson.

11. We established what Mr Johnson knew about the Rules and the Guidance from his own public statements. This was important because in his evidence to us Mr Johnson asserted that the meaning of the Rules and Guidance was different from the understanding of the reasonable person and from his previous public statements.
12. Having come to conclusions about the facts, we then compared those conclusions with Mr Johnson's statements to the House and his evidence to us about those statements. We concluded that he misled the House.
13. We considered the nature and extent of Mr Johnson's culpability in misleading the House. In coming to the conclusion that Mr Johnson deliberately misled the House, we considered:

r) His repeated and continuing denials of the facts, for example his refusal to accept that there were insufficient efforts to enforce social distancing at gatherings where a lack of social distancing is documented in official photographs, and that he neither saw nor heard anything to alert him to the breaches that occurred.
s) The frequency with which he closed his mind to those facts and to what was obvious so that eventually the only conclusion that could be drawn was that he was deliberately closing his mind.

t) The fact that he sought to re-write the meaning of the Rules and Guidance to fit his own evidence, for example, his assertion that "imperfect" social distancing was perfectly acceptable when there were no mitigations in place rather than cancelling a gathering or holding it online, and his assertion that a leaving gathering or a gathering to boost morale was a lawful reason to hold a gathering.
u) His own after-the-event rationalisations, for example the nature and extent of the assurances he received, the words used, the purpose of the assurances, who they came from, the warning he received about that from Martin Reynolds (his Principal Private Secretary) and his failure to take advice from others whose advice would have been authoritative. His view about his own Fixed Penalty Notice (that he was baffled as to why he received it) is instructive.

14. We came to the view that some of Mr Johnson's denials and explanations were so disingenuous that they were by their very nature deliberate attempts to mislead the Committee and the House, while others demonstrated deliberation because of the frequency with which he closed his mind to the truth.
15. For these reasons we conclude that Mr Johnson's conduct was deliberate and that he has committed a serious contempt of the House. We shared our provisional conclusions with Mr Johnson on 8 June 2023, inviting him to make further representations.
16. On 9 June 2023, before the Committee had completed its deliberations and delivered its report to the House, Mr Johnson made a public statement responding to and criticising the inquiry and the Committee's provisional conclusions. That was in breach of the express requirements of confidentiality imposed by the Committee and the ordinary requirement that committee material is confidential unless and until the Committee determines that it should be published. This was done before the Committee had come to its final conclusions, at a time when Mr Johnson knew the Committee would not be in a position to respond publicly. Mr Johnson's conduct in making this statement is in itself a very serious contempt.
17. The question which the House asked the Committee is whether the House had been misled by Mr Johnson and, if so, whether that conduct amounted to contempt. It is for the House to decide whether it agrees with the Committee. The House as a whole makes that decision. Motions arising from reports from this Committee are debatable and amendable. The Committee had provisionally concluded that Mr Johnson deliberately misled the House and should be sanctioned for it by being suspended for a period that would trigger the provisions of the Recall of MPs Act 2015. In light of Mr Johnson's conduct in committing a further contempt on 9 June 2023, the Committee now considers that if Mr Johnson were still a Member he should be suspended from the service of the House for 90 days for repeated contempts and for seeking to undermine the parliamentary process, by:

a) Deliberately misleading the House
b) Deliberately misleading the Committee
c) Breaching confidence
d) Impugning the Committee and thereby undermining the democratic process of the House
e) Being complicit in the campaign of abuse and attempted intimidation of the Committee.

We recommend that he should not be entitled to a former Member's pass.

1 Introduction

The establishment of this inquiry

1. On 21 April 2022 the House of Commons resolved that:

Given the issue of fixed penalty notices by the police in relation to events in 10 Downing Street and the Cabinet Office, assertions the Rt hon Member for Uxbridge and South Ruislip has made on the floor of the House about the legality of activities in 10 Downing Street and the Cabinet Office under Covid regulations, including but not limited to the following answers given at Prime Minister's Questions: 1 December 2021, that "all guidance was followed in No. 10", Official Report vol. 704, col. 909; 8 December 2021 that "I have been repeatedly assured since these allegations emerged that there was no party and that no Covid rules were broken", Official Report vol. 705, col. 372; 8 December 2021 that "I am sickened myself and furious about that, but I repeat what I have said to him: I have been repeatedly assured that the rules were not broken", Official Report vol. 705, col. 372 and 8 December 2021 that "the guidance was followed and the rules were followed at all times", Official Report vol. 705, col. 379, appear to amount to misleading the House.[2]

2. The House accordingly ordered that this matter be referred to the Committee of Privileges to consider whether Mr Johnson's conduct amounted to a contempt.
3. Our task in this inquiry has been to decide whether or not Mr Johnson misled the House of Commons, whether or not he thereby committed a contempt of the House, and if so, what was the nature and extent of his culpability. This is what the House of Commons required us to do, by referring the matter to us in the terms of the motion quoted above, which was carried without a vote against.

The importance of this inquiry

4. This inquiry goes to the very heart of our democracy. Misleading the House is not a technical issue, but a matter of great importance. Our democracy is based on people electing Members of Parliament not just to enable a government to be formed and supported but to scrutinise legislation and hold the Executive to account for its actions. The House proceeds on the basis that what it is told by Ministers is accurate and truthful. The House expects pro-active candour and transparency. Our democracy depends on MPs' being able to trust that what Ministers tell them in the House of Commons is the truth. If Ministers cannot be trusted to tell the truth, the House cannot do its job and the confidence of the public in our democracy is undermined.

2 Votes and Proceedings, 21 April 2022, item 3.

5. The House expects all Members to act with integrity, which is why we refer to each other as Honourable Members. Untruthful or misleading statements from Ministers are more damaging even than those from Opposition or backbench Members because they frustrate and impede the House in its vital role of scrutinising the Government. Where, as in this case, the Minister who is alleged to have misled the House is the Prime Minister, the head of the Government, the effect of any misleading is exceptionally serious both for the potential impact on public confidence and because the Prime Minister sets the standard for all other Ministers of the Crown in how they account to the House.
6. It is inevitable that Ministers make mistakes and inadvertently mislead, and when they do, they are expected to correct the record at the earliest opportunity. This happens routinely. When a Minister makes an honest mistake and then corrects it, that is democracy working as it should. There is no basis for any fear that the requirement to be truthful with the House has a "chilling" effect on the ability of Ministers to be candid with the House. The House will also be understanding if a Minister declines to answer, for example, on matters which relate to national security or market sensitivity. But misleading intentionally or recklessly,[3] refusing to answer legitimate questions, or failing to correct misleading statements, impedes or frustrates the functioning of the House and is a contempt.
7. The subject on which Mr Johnson is alleged to have misled the House could not have been more serious. The Covid-19 pandemic was the biggest crisis our country has faced in generations and the greatest peacetime challenge in a century. It disrupted lives, separated friends and families, closed businesses, damaged livelihoods and, most tragically of all, has been associated with the deaths of over 150,000 people in the UK. In response, in the interests of protecting public health, the Government and Parliament imposed extensive restrictions on people's freedom.
8. It has not been the purpose of this inquiry to examine the rights or wrongs of the Covid Rules and Guidance, nor have we sought to repeat the inquiry commissioned by Mr Johnson from the then Second Permanent Secretary at the Cabinet Office (Sue Gray) into the conduct of individual Ministers and officials in No. 10. What the House mandated us to do was to investigate whether Mr Johnson told the truth to Parliament, to the best of his knowledge, about No. 10's compliance with those Rules and Guidance. The inquiry has been about what was the truth, which is why it goes to the heart of the trust on which our system of accountability depends.
9. This Committee is made up of Members of Parliament who have been appointed to this role by the House of Commons. The political balance on the Committee reflects that in the House, as far as is possible. The Committee comprises four Conservative and three Opposition MPs (two from Labour and one from the Scottish National Party). Having said that, we leave our party interests at the door of the committee room and conduct our work in the interests of the House. That is what we have striven to do throughout this inquiry.

3 As stated in the Committee's Fourth Report, the Committee is adopting plain-English definitions of these and other key terms as used in a Parliamentary context. See: Committee of Privileges, Fourth Report of Session 2022–23, Matter referred on 21 April 2022: summary of issues to be raised with Mr Johnson (HC 1203), published 3 March 2023, footnote 5.

The procedures in this inquiry

10. The House's procedures for dealing with cases of privilege are long-established and we have worked within these procedures. Committees do not have power to hear Counsel, unless they have been given it by the House. They must proceed in an inquisitorial way. However, as has been done before, given the seriousness of this case, the Committee agreed and published a procedure for the investigation, setting out both the way in which evidence would be gathered, and the way in which it would be shared with Mr Johnson. We discuss this further in paragraphs 217 to 221 below, but we have ensured that our inquiry has been robust, rigorous and fair.
11. The Committee has been fair in its procedures, not only because that was right as a matter of principle and what Mr Johnson was entitled to, but also to command the confidence of Parliament and the public. Before we embarked on the substance of the inquiry we sought advice from our legal adviser Rt Hon Sir Ernest Ryder, former Senior President of Tribunals and Lord Justice of Appeal, from Speaker's Counsel, and from the Clerks of the House on how we should apply the general principles of fairness, the rules of the House, and the procedural precedents that were available to us.[4]
12. Our guiding principles included being transparent. Pursuant to our commitment to "show our workings", we published in July 2022 a report setting out the processes we intended to follow, and have followed this up with further public comments on our procedures when appropriate.[5]
13. We proceeded as rapidly as possible. Some delay was engendered by the length of time it took to persuade the Government to supply the unredacted documents and records we requested, so that we could be confident our conclusions were based on solid foundations. Further delay was incurred by our agreeing to requests by Mr Johnson for additional time

4 In many areas, such as the question of whether Counsel could be heard by the Committee, we were bound by rules which only the House could change. In the limited areas where precedent allowed procedural flexibility, we exercised that flexibility whenneeded.

5 During the course of the inquiry Mr Johnson has repeatedly challenged our procedures. He obtained three Opinions from counsel (Lord Pannick KC and Jason Pobjoy). The first Opinion was published by the Government without giving us notice or seeking our consent; as this had been placed in the public domain, we responded by way of a published report, in September 2022. We published the second Opinion with our Fourth Report, in March 2023; and we publish the third Opinion with the present report. We also publish responses to counsel's arguments from our own legal adviser, Sir Ernest Ryder. In summary we can say that we have considered the representations and find them to be without merit. We note in particular that a great many of Mr Johnson's counsel's arguments are based on fallacious analogies between the inquisitorial parliamentary process and the quite separate adversarial process which is followed in the courts. We set out further comments and background information on our procedures in Annex 1 to this report. This annex deals, among other things, with the following:

- Clearing up misunderstandings about the House's inquisitorial procedures
- Rebutting arguments that the Committee has strayed beyond its order of reference

Explaining that our report is not based on the Sue Gray report, or on the evidence taken by Sue Gray: the Committee has obtained its own evidence from all relevant witnesses.

to respond to our evidence and make his own submissions. We did so in order to ensure that Mr Johnson was being treated fairly. We proceeded as quickly as we could while ensuring evidence was properly obtained and tested.

14. In bringing forward our report, we note that the Committee was instructed to carry out this inquiry by the House on 21 April 2022 without a vote against. We further note that each of the Committee's members were appointed to the Committee by the House without division. Each member has done their duty on behalf of the House. Despite this, from the outset of this inquiry there has been a sustained attempt, seemingly co-ordinated, to undermine the Committee's credibility and, more worryingly, that of those Members serving on it. The Committee is concerned that if these behaviours go unchallenged, it will be impossible for the House to establish such a Committee to conduct sensitive and important inquiries in the future. The House must have a Committee to defend its rights and privileges, and it must protect Members of the House doing that duty from formal or informal attack or undermining designed to deter and prevent them from doing that duty. We will be making a Special Report separately to the House dealing with these matters.

15. We note that Mr Johnson at no point denounced this campaign while it was under way. Giving oral evidence, he expressed respect for the Committee and said, when pressed to do so, that he deprecated terms such as "witch hunt" and "kangaroo court", but said "the people will judge for themselves" whether the Committee had been fair. Asked in relation to the Committee's inquiry, "you would not characterise it as a witch hunt or a kangaroo court?", he replied "I will wait to see how you proceed with the evidence that you have". Despite a later communication expressing confidence in the Committee (see paragraph 223 below), he intimated that he would only accept the Committee's conclusions if they were favourable to him, which indeed is demonstrated by his abusive reaction to our warning letter, which we discuss further below.[6]

16. Finally, we note that our inquiry, as mandated by the House, has been solely into the conduct of Mr Johnson. We have not investigated, nor in this report do we comment on, the conduct of any other individuals. This report must not be treated as being critical of anyone other than the subject of the inquiry.

The evidence in this inquiry

17. In our inquiry we examined what Mr Johnson said to the House about gatherings in No. 10 and whether what he said to the House was correct or not. If a statement was misleading, we considered whether it was a genuine error, was reckless, or was intentional, and whether the record was corrected comprehensively and in good time. We considered evidence supplied by the Government, including emails, WhatsApp messages and photographs. We received a limited number of WhatsApp messages from Mr Johnson.[7] We took written evidence, submitted with statements of truth, from witnesses present at the relevant times, to inform us of what Mr Johnson would have known at the time of his statements to the House. We relied only on first-hand evidence and not on hearsay or evidence repeated by others. We paid a visit to No. 10 to inspect for ourselves the locations of the various gatherings to which Mr Johnson referred in the House.

18. As set out in Chapters 2 and 3 of this report, on the basis of information that is in the public domain and evidence that the Committee has obtained, and in the context of what Mr Johnson has said to the House of Commons, we established:

a) What Rules and Guidance relating to Covid were in force at the relevant time (see Chapter 2);
b) Mr Johnson's knowledge of those Rules and Guidance (see Chapter 2);
c) Mr Johnson's attendance at, or knowledge of, gatherings that breached the Rules or Guidance (see Chapter 2);
d) What Mr Johnson was told by others and what assurances he was given by them about compliance with the Rules and Guidance (see Chapter 3);
e) What Mr Johnson told the House (see Chapter 3).

19. Mr Johnson spoke in the House of Commons about the question of Covid compliance in No. 10 more than 30 times, most particularly on 1 December 2021, 8 December 2021 and 25 May 2022.[8] He gave oral evidence on oath to the Committee on 22 March 2023. Speaking in the Chamber and to the Committee he variously asserted that Rules and Guidance were followed in No. 10 "completely", "at all times", and while he was present at gatherings.[9]

2 The Rules and Guidance, and what Mr Johnson saw or knew

20. In this section of our report we will consider the extent of Mr Johnson's direct knowledge of particular gatherings[10] in No. 10 on the basis of his personal experience, and set this in the context of the Covid Rules and Guidance in force at the time of each gathering. We also highlight contemporary statements made over this period by Mr Johnson at press conferences and to the House, which evidence his knowledge of the Covid Rules and Guidance in force at the time. We have focussed on six gatherings: those on 20 May 2020, 19 June 2020, 13 and 27 November 2020, 18 December 2020 and 14 January 2021. Mr Johnson attended five of these gatherings, and was briefly in close proximity to the sixth (that on 18 December 2020).

21. In the next section of this report, dealing with the assertions Mr Johnson later gave to the House about compliance with Covid Rules

6 Oral evidence: Matter referred on 21 April 2022: Conduct of Rt Hon Boris Johnson MP, HC 564, taken on 22 March 2023, Qq 141-45.

7 We note that Mr Johnson has recently undertaken to supply the Covid public inquiry with a large number of his personal WhatsApp messages. This contrasts with his highly restrictive release of such messages to us. If it transpires from examination of the WhatsApp messages supplied to the Covid inquiry that there was relevant material which should have been disclosed to us either by Mr Johnson or the Cabinet Office, this would be a serious matter which the House might need to revisit.

8 See Annex 2.

9 See paragraphs 120 to 131, and Annex 2.

10 We refer to "gatherings" or "events" as these are neutral terms. We have avoided using the word "party", except occasionally when directly quoting the words of a witness, as this is not a term used in the House's referral motion of 21 April 2022, which refers to "events", nor is it one susceptible of clear definition. In paragraph 82 below we refer to one case in which Mr Johnson himself used the term "party", and we cite his lawyers' explanation for his use of the term.

and Guidance, we consider whether, in the light of what he had seen and known at the time of each gathering, as well as of subsequent developments including assurances he was given by others, it is credible that Mr Johnson believed, and had given sufficient consideration to, the assertions he was making.

22. Over the period from May 2020 to January 2021 (the period covering the above events) the Rules and the Guidance imposing restrictions to prevent the spread of Covid varied. Nevertheless, regulations consistently imposed restrictions on gatherings between people from different households with a limited number of exceptions. These exceptions included where a gathering was "essential" for work purposes under regulations in force before 1 June 2020, or "reasonably necessary" for work purposes under regulations in force from 1 June 2020.[11] Between May 2020 and April 2021, workplace Guidance specified maintaining social distancing "where possible".[12] At the material time, No. 10 Downing Street circulated all staff working in those offices with the Rules and Guidance that they should follow, including social distancing requirements.[13]

Mr Johnson's knowledge of individual gatherings

Gathering on 20 May 2020

23. In May 2020, the Rules and Guidance in force for the prevention of the spread of Covid included restrictions on gatherings of more than two people, and stated that only absolutely necessary participants should usually physically attend meetings.[14] Mr Johnson told the House of Commons on 11 May 2020 that, "If you must go to work and cannot work from home, you should do so, provided […] that your workplace is covid secure. We are publishing further Guidance on that".[15] He also told the House on 11 May that people should be "limiting contact with others".[16]

24. On Wednesday 20 May 2020, Mr Johnson attended a gathering in the garden of No

10. The invitation list was extensive and the planning and communications are evidence that the purpose of the gathering was social. We have evidence that the email invitation for this gathering, which was sent by Mr Johnson's Principal Private Secretary, Martin Reynolds, was sent to "200-odd people", and that it encouraged staff who attended to "bring your own booze!"[17] Alcohol was provided by staff.[18] Fixed Penalty Notices were issued to a number of those who attended.

25. We have evidence that some officials and advisers felt this event should not go ahead. Mr Johnson's then Director of Communications, Lee Cain, describes the tone of the email invitation in the evidence he gave us as "clearly social and in breach of covid Guidance" and says he raised concerns about it with Martin Reynolds.18[19]Another official has given evidence to us saying, "I heard that there were so many people who were unhappy about the party that they were not going to go" and that they themselves said to another official that they "thought it was madness."[20]

26. Mr Cain stated in evidence: "I do not recall if I personally had a conversation with the PM about the garden party but it would have been highly unusual for me not to have raised a potentially serious communications risk with the PM directly".[21] Mr Reynolds, with whom Mr Cain had raised his concerns, stated in evidence "it is possible" that he (Reynolds) raised concerns with Mr Johnson.[22] However, he added that "it seems more likely that I believed that any issue had been resolved. If I had spoken with the Prime Minister about the event, I believe I would have flagged the comms risk, not that the event was against the Rules (which I did not believe to be the case)."[23]

27. We have evidence that trestle tables were set up for drinks to be laid out. We also have evidence that around 40 people were in attendance at this gathering, and that attendees who were there at the same time as Mr Johnson included Mr Johnson's wife as well as advisers who were not from No. 10 but from other government departments.[24] Lee Cain in his evidence stated that "it was clear observing all who attended and the layout of the event that this was purely a social function", though we note that in response to this evidence Mr Johnson told us he did not share that view, "and that is certainly not what he [Lee Cain] said at the time".[25]

28. In his written evidence Mr Johnson states that he did not believe that the event broke the Rules or Guidance in force at the time, noting that the Guidance recommended "holding meetings outdoors or in well-ventilated rooms whenever possible". He was aware that there was food and drink at the gathering, but did not consider this was

11 As set out in the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, and subsequent Regulations.

12 As set out in various iterations of the guidance: "Working safely during coronavirus (COVID-19): Offices and contact centres", published onGOV.UK

13 Evidence received from the Cabinet Office on 21 December 2022. See Additional evidence materials: Additional material not previously published relied upon in the Committee's Fifth Report,Session 2022–23, pp3–7.

14 Regulations stated:
"No person may participate in a gathering in a public place of more than two people".
Exceptions included "where the gathering is essential for work purposes". See: The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (SI 2020/350) (as amended 13 May 2020), Regulation 7. Workplace Guidance stated:
"You must maintain social distancing in the workplace wherever possible".
It encouraged business to take "all the mitigating actions possible" where social distancing could not be followed in full. For meetings, this included using remote working tools to avoid in-person meetings, only absolutely necessary participants attending, and holding meetings outdoors or in well-ventilated rooms. See: GOV.UK, Working safely during coronavirus (COVID-19): Offices and contact centres, as updated 19 May 2020.

15 HC Deb, 11 May 2020, Vol 676 col 29.

16 Ibid., col 27.

17 Core evidence bundle materials: Material to be relied upon by The Committee of Privileges and Rt Hon Boris Johnson MP in the oral evidence session of the Committee on 22 March 2023, p. 35.

18 As noted in the Second Permanent Secretary's report into gatherings on government premises, on 21 May 2020, a No. 10 special adviser emailed Martin Reynolds saying, "Thank you so much for organising these drinks and for providing the wine!". See: GOV.UK, Findings of the Second Permanent Secretary's Investigation into alleged gatherings on government premises during Covid restrictions, 25 May 2022.

19 Core evidence bundle materials, p. 34.

20 Core evidence bundle materials, p. 38.

21 Core evidence bundle materials, p. 34.

22 Core evidence bundle materials, p. 37.

23 Core evidence bundle materials, p. 37.

24 Core evidence bundle materials, pp. 34, 40 and41

25 Core evidence bundle materials, p34; Q75.

incompatible with the Rules or Guidance. He attended for less than half an hour, from 6.02 till 6.30 pm. He cannot recall how many people were there, but notes that one of our witnesses states there were only 10 people in the garden when he arrived. He states that:

> I understood this to be a socially-distanced outdoor meeting to boost staff morale and teamworking after what had been a very difficult period. […] In my view, an opportunity to thank staff and boost morale was essential for work purposes. […] no-one at the time expressed to me any concerns about whether the event complied with the Rules or Guidance.[26]

29. Mr Johnson drew attention to his apology to Parliament on 12 January 2022 when he had said: "I believed implicitly that this was a work event, but with hindsight, I should have sent everyone back inside. I should have found some other way to thank them, and I should have recognised that even if it could be said technically to fall within the Guidance, there would be millions and millions of people who simply would not see it that way." In his written evidence Mr Johnson added:

> I wish, in retrospect, that we had given some thought to how these events could be perceived. We should have found a way to make clearer that these were work events […] Hindsight is a wonderful thing. But it remains the case that at the time I believed that the gathering was consistent with the Rules and Guidance. For the reasons I have given, I still believe so, at least in relation to the short period during which I attended the event.[27]

30. In his oral evidence, Mr Johnson told us that he did not see Martin Reynolds' email inviting people to the gathering which invited people to bring their own alcohol, and that he was not aware of the contents of the email.[28] We note that even if this was the case, Mr Johnson would have become aware of Mr Reynolds' email before giving evidence to us, because it was leaked to the media in January 2022 and referred to in Sue Gray's final report in May 2022. Notwithstanding this indication of the social purpose of the gathering, Mr Johnson continues to maintain it was essential for work purposes (see paragraph 32 below).

31. Asked to comment on Lee Cain's statement that he might have had a conversation with Mr Johnson about the event, Mr Johnson stated that Mr Cain had not raised concerns about the gathering with him at the time, and that the concerns Mr Cain had raised with others were about the "optics" of the event rather than about a breach of the Rules or Guidance.[29] Asked about Mr Reynolds' statement that it was "possible" he had raised concerns with Mr Johnson, Mr Johnson replied "No–not that I can remember, no".[30] Mr Johnson confirmed he had seen the trestle tables set up in the garden, but did not remember whether there was alcohol on them.[31]

32. Asked about the issue of Fixed Penalty Notices to people present at the gathering, Mr Johnson stated:

> I want to dispute the idea that it was not an essential gathering or not [a] gathering that was reasonably necessary for work purposes. I don't know why the FPNs were issued, but it may be that they were issued to people who had not a good enough reason to come in from home to that gathering, or people who had come from elsewhere to that gathering. But my firm impression is–and I think it is certainly still the case that Martin Reynolds believes–that that gathering was within the Rules and, indeed, within the Guidance.[32]

33. Mr Johnson told us that "people who say that that event was a purely social gathering are quite wrong."[33] He reiterated his belief that the gathering was "essential" for work purposes, stating that its purpose was:

> To thank staff, who had been working very hard on Covid. […] This was a day when the Cabinet Secretary had just stepped down. I think the civil servants needed to feel that […] the business of government was being carried on, and they needed to feel thanked and motivated for their work.[34]

34. In supplementary written evidence, Mr Johnson corrected his statement that the Cabinet Secretary "had just stepped down":

> This was incorrect. The Cabinet Secretary, Mark Sedwill, did not resign until 29 June 2020. However, he and I had discussed his potential resignation around the time of the 20 May 2020 event, which is what I had in mind when answering the question.[35]

35. In summary, Mr Johnson claims that concerns by No. 10 officials about the 20 May 2020 gathering were not raised with him at the time, and in any case related to the "optics" of the event rather than whether Rules or Guidance had actually been or were likely to be breached. He claims that at the time that he attended the event, he considered the gathering was "essential" for work purposes and did not breach the Rules or Guidance, and that he continues to believe that, despite the Metropolitan Police having issued Fixed Penalty Notices to some attendees.

36. We conclude that, on the basis of the evidence we have received, some senior No 10 officials were concerned about the social nature of the 20 May 2020 gathering and were reluctant for it to go ahead. It is not clear whether those concerns were raised with Mr Johnson at the time. The social nature of the gathering was indicated by the high number of people invited, with some attendees from outside No. 10 as

26 Rt Hon Boris Johnson (BJS0002) paras 42-45.
27 Rt Hon Boris Johnson (BJS0002) paras 51.
28 Q61-62.
29 Q68.
30 Q71.
31 Q74.
32 Q76.
33 Q77.
34 Qq63-64; see also Q94.
35 Rt Hon Boris Johnson (BJS0003), para 4.

well as Mr Johnson's wife (who we consider it is obvious cannot be described as an "absolutely necessary participant"), and the installation in the garden of trestle tables with alcohol available. There is evidence that the number of people in attendance increased during the time that Mr Johnson was at the gathering.

37. We note that for the gathering to have been compliant with the Rules, it would have had to have been "essential" for work purposes. We do not consider that a social gathering held purely for the purpose of improving staff morale can be regarded as having been essential for work purposes. Moreover, as we set out in further detail below, we do not believe Mr Johnson would have advised the public that this was the case had he been asked this at the time.

Gathering on 19 June 2020

38. In June 2020, the Rules and Guidance in force for the prevention of the spread of Covid included restrictions on indoor gatherings of two or more people and maintaining social distancing in the workplace of 2 metres wherever possible, and that only absolutely necessary participants should usually physically attend meetings.[36] On 10 June 2020, Mr Johnson had said at a Covid press conference, "I urge everyone to continue to show restraint and respect the Rules which are designed to keep us all safe […] So please, to repeat what you've heard so many times before, stay alert, maintain social distancing and keep washing your hands."[37]

39. Just over a week later, on Friday 19 June 2020, Mr Johnson attended a gathering in the Cabinet Room to celebrate his birthday. A cake and alcohol were provided. Some attendees, including Mr Johnson, received Fixed Penalty Notices in relation to this event. Mr Johnson accepted the FPN.

40. Photographs were taken of the event which were provided to the Committee by the Cabinet Office.[38] These show that the gathering was not socially distanced, and that it was attended by at least 17 people other than Mr Johnson, despite internal No. 10 guidance stating that as part of their specific mitigations there should be no more than 15 people in the Cabinet Room.[39] We also received evidence that the attendees included individuals who were not work colleagues of Mr Johnson: Mr Johnson's wife and his interior designer.[40]

41. In his written evidence Mr Johnson addressed the fact that he, together with the current Prime Minister Rishi Sunak, was issued with a Fixed Penalty Notice by the Metropolitan Police in relation to this event:

> I have accepted the conclusion of the Police that my participation in the gathering in the Cabinet Room on my birthday, which I knew nothing about in advance, was unlawful. However, to this day it remains unclear to me–and I believe the Prime Minister may feel the same–how precisely we committed an offence under the Regulations. I have never been provided with any rationale by the Police, in particular how some individuals that attended did not receive a Fixed Penalty Notice.[41]
>
> It never occurred to me then […] that the event on 19 June 2020 was not in compliance with the Rules or the Guidance. Nor do I consider it reasonable to conclude that I should have known it at the time. I was in the Cabinet Room for a work meeting and was joined by a small gathering of people, all of whom lived or were working in the building. We had a sandwich lunch together and they wished me Happy Birthday. I was not told in advance that this would happen. No cake was eaten, and no-one even sang "*happy birthday*". The primary topic of conversation was the response to Covid-19.[42]

42. In oral evidence Mr Johnson stated that receiving an FPN for this event "boggled my mind because I could not understand why I had got it".[43]

43. Asked in oral evidence why he thought that the gathering was compliant with the Covid Rules, Mr Johnson replied, "I thought it was reasonably necessary for work purposes because I was standing at my desk, surrounded by officials who had been asked to come and wish me a happy birthday. I had only recently recovered from an illness–Covid–and it seemed to me a perfectly proper thing to do. We were about to have another meeting, and they were largely the same officials".[44]

44. When it was put to Mr Johnson that "presumably your wife and the contractor [the interior designer] were not attending that meeting", Mr Johnson responded:

> It is one of the peculiarities of No. 10 that the Prime Minister and his family live in the same building. My understanding of the Rules is that the Prime Minister's family is entitled to use every part of that building.[45]

45. We note that Mr Johnson's point does not address the question of

36 Regulations stated:
"No person may participate in a gathering which takes place in a public or private place:

(a) outdoors, and consists of more than six persons,
(b) indoors, and consists of two or more persons."

Exceptions included "where the gathering is reasonably necessary for work purposes, or for the provision of voluntary or charitable services". See: The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (SI 2020/350) (as amended 15 June 2020), Regulation 7.
Workplace Guidance stated:
"You must maintain social distancing in the workplace wherever possible".
It encouraged business to take "all the mitigating actions possible" where social distancing could not be followed in full. For meetings, this included using remote working tools to avoid in-person meetings, only absolutely necessary participants attending, and holding meetings outdoors or in well-ventilated rooms. See: GOV.UK, Working safely during coronavirus (COVID-19): Offices and contact centres, as updated 15 June 2020.

37 GOV.UK, Prime Minister's statement on coronavirus (COVID-19): 10 June 2020, 10 June 2020.

38 See Appendix 1 for photographs.

39 Additional evidence materials, p. 4.

40 Core evidence bundle materials, p26: "Ms Lytle […] was accompanying the PM's fiancee".

41 Rt Hon Boris Johnson (BJS0002) para 38.

42 Rt Hon Boris Johnson (BJS0002) paras 38–39

43 Q95.

44 Q57.

45 Q58.

whether his family and the interior designer were permitted to attend that specific gathering, which Mr Johnson maintains was necessary for official work purposes, and with that number of officials already in the room.

46. Asked to comment on whether it would have been obvious that the event was in breach of the Guidance, in light of two photographs received by the Committee[46] showing that the gathering was not socially distanced, as well as that fact that it was attended by those whose presence was not absolutely necessary, Mr Johnson replied:

> No. It is a measure of how un-obvious it was to me that this was any kind of breach that the press office publicised this meeting in *The Times*. […] I had absolutely no sense while this event was taking place, and, indeed, at any time later, that it was in contravention of either the Rules or the Guidance. No one, before I spoke in the House of Commons, suggested to me that it was. […] It did not strike me as being anything other than an ordinary, common or garden workplace event.[47]

47. Evidence submitted by Jack Doyle, Mr Johnson's Press Secretary at the time of this gathering and later Director of Communications, makes clear that at a later stage he was doubtful about the compliance of the gathering of 19 June 2020 with the Covid Rules. In WhatsApp messages with other No. 10 officials on 25 January 2022 he discusses that gathering and states that he was "struggling to come up with a way" that the gathering was within the Rules, and he was "not sure" it would "work" to suggest that it was reasonably necessary for work purposes.[48]

48. We conclude that there is evidence that the gathering in the Cabinet Room to celebrate Mr Johnson's birthday on 19 June 2020 was attended by at least 17 people other than Mr Johnson, including by individuals who were not his work colleagues, and that it was not socially distanced. We note that Mr Johnson did not explain why he believed the event was "reasonably necessary for work purposes" other than to say that it took place immediately before a work meeting, and that "it seemed to me […] perfectly proper" for officials to be "asked to come and wish me a happy birthday" which we do not regard as convincing. Mr Johnson was also unable to explain why he considered his wife and interior designer "absolutely necessary participants" in a work-related meeting. His assertion that the Prime Minister's family are entitled to use every part of the building does not constitute an explanation. We note that the Metropolitan Police issued Mr Johnson a Fixed Penalty Notice in connection with this event. Mr Johnson accepts that his attendance was unlawful but states that he is not clear precisely how he committed an offence. We note that he had the right in law to decline to accept the FPN if he had wished to assert he had committed no offence, but that he chose not to do so.

Gathering on 13 November 2020

49. In November 2020, the Rules and Guidance in force for the prevention of the spread of Covid included restrictions on indoor gatherings of two or more people and maintaining social distancing of 2 metres or 1 metre with risk mitigations in the workplace wherever possible.[49] At the Covid press conferences over this period, Mr Johnson regularly repeated the phrase, "Hands, face, space" while standing at podiums bearing this phrase. On 9 November, Mr Johnson said at a Covid press conference that "Neither mass testing nor progress on vaccines […] are at the present time a substitute for the national restrictions, for social distancing […] and all the rest. So it is all the more important to follow the Rules."

50. Four days later, on Friday 13 November 2020, Mr Johnson attended an impromptu leaving gathering for his Director of Communications, Lee Cain, in the vestibule of the Press Office. Between 15 and 20 people were present. Mr Johnson joined the gathering and made a speech.[50] Photographs were taken of the event which were provided to the Committee by the Cabinet Office.[51] One of them shows Mr Johnson with at least six other people standing in close proximity. Fixed Penalty Notices were issued in relation to this gathering for breaching the Rules, but not to Mr Johnson.[52]

51. Mr Johnson told us in oral evidence that at the event on 13 November, "we followed the Guidance completely".[53] He said that "I don't accept that people were not making an effort to distance themselves socially from each other".[54] He drew attention to the provision in the Guidance that 1-metre distancing should be maintained, with mitigations, where 2-metre distancing was not possible. In relation to mitigations, he said:

> I knew from my direct personal experience that we were doing a huge amount to stop the spread of covid within the building. We had sanitisers, windows were kept open, we had people working outdoors wherever they could, we had Zoom meetings, we had restrictions on the number of people in rooms, we had perspex screens between desks and, above all […] we had testing.[55]

46 See Appendix 1.
47 Qq59-60.
48 Core evidence bundle materials, p. 79.

49 Regulations stated:
"No person may participate in a gathering which:

(a) consists of two or more people, and
(b) takes place indoors (including indoors within a private dwelling)."

Exceptions included "where the gathering is reasonably necessary for work purposes, or for the provision of voluntary or charitable services". See: The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 (SI 2020/1200) (as amended 10 November 2020), Part 3.
Workplace Guidance stated:
"You must maintain social distancing in the workplace wherever possible".
It advised social distancing of 2 metres, or 1 metre with risk mitigations where 2 metres was not viable. It encouraged business to take "all the mitigating actions possible" where social distancing could not be followed in full. For meetings, this included using remote working tools to avoid in-person meetings, only absolutely necessary participants attending, and holding meetings outdoors or in well-ventilated rooms. See: GOV.UK, Working safely during coronavirus (COVID-19): Offices and contact centres, as updated 9 November 2020.
50 On the way to his flat at 19.17 it is recounted that "The Prime Minister unexpectedly arrived and gathered 15–20 people, gave a speech and joined the team for alcohol". See: Core evidence bundle materials, p. 9.
51 See Appendix 1 for photographs
52 Core evidence bundle materials, p. 9.
53 Q13.
54 Q9.
55 Q14.

52. The Guidance stated that "mitigating actions include […] using screens or barriers to separate people from each other". When asked where there were screens or barriers in the photographs of the 13 November event, Mr Johnson replied, "There were screens or barriers, I believe, in the adjacent press room, from memory". He continued:

> I accept that perfect social distancing […] is not being observed [i.e. in the photographs], but that does not mean that what we were doing, in my view, is incompatible with the Guidance. The Guidance specifically allows for workplace freedoms to decide how to implement it, and the operative condition is "where possible".[56]

53. Mr Johnson said that mitigations at the event included the fact that "we avoided physical contact. For instance, as the Guidance says, we didn't touch each other pens; we didn't pass stuff to each other if we could possibly avoid it". When it was put to him that "[p]resumably people were passing drinks to each other, because we've seen the picture", Mr Johnson replied, "Of course. This is Guidance, and I'm not going to pretend that it was enforced rigidly, but that is explicitly what the Guidance provides for".[57]

54. When pressed later in the questioning on the fact that no mitigations seemed to be evident in the photographs of the 13 November event, Mr Johnson said "Yes, and that is because that was the space where people congregated fast. If I wanted to get a message out, it was the natural place to do it."[58]

55. The Guidance in force at the time stated that "Where the social distancing guidelines cannot be followed in full, even through redesigning a particular activity, businesses should consider whether that activity needs to continue for the business to operate, and if so, take all the mitigating actions possible to reduce the risk of transmission between their staff".[59] In interpreting the Guidance as it stood in November 2020, the following points should therefore be borne in mind:

a) If 2-metre distancing could not be achieved, then 1-metre distancing and mitigations was obligatory for social distancing to be said to have been achieved, and social distancing was not considered achieved if 1-metre distancing was maintained without mitigations.
b) Mr Johnson was correct to state that, whether social distancing was being defined as 2 metres or as 1 metre with mitigations, the Guidance advised achieving social distancing "wherever possible".

56. However, a gathering which was not socially distanced under the above interpretation was nonetheless only compliant with Guidance if (a) it was not possible to achieve social distancing by redesigning the activity or putting in place mitigations; (b) all possible actions to mitigate the risk of the transmission of the virus were being observed; and (c) the gathering constituted an activity that needed to continue for the business or organisation to operate.

57. Turning to the Rules, Mr Johnson told us that the gathering on 13 November was "absolutely essential for work purposes" because:

> two senior members of staff – the effective chief of staff [Dominic Cummings] and the director of communications [Lee Cain] – had both left the building, or were about to leave the building, in pretty acrimonious circumstances, or what were potentially acrimonious circumstances. It was important for me to be there and to give reassurance.[60]

58. He added that "it was necessary to steady the ship. It was necessary to show there was no rancour, and the business of the Government was being carried on. That is what we had to do."[61] He said: "I understand that people looking at that photograph will think that it looks like a social event. It was not a social event."[62] He later said: "I had to accept that, even though it was, I believe, within the Guidance and within the Rules, members of the public looking at it will have thought, 'That looks to me like something he's not allowing us to do.' I felt that very keenly – in retrospect. I didn't feel it at the time."[63]

59. Writing about events to mark the departure of staff in general, Mr Johnson stated:

> My view has always been that thanking and encouraging staff, and maintain morale at No 10, was absolutely essential for work purposes. That is especially so in the midst of a crisis as serious as the Covid-19 pandemic. When we gathered occasionally to mark the departure of a colleague, it was my duty as the Prime Minister to say a few words of thanks. That is the job of any leader.[64]

60. Mr Johnson was asked "if you had been asked at a press conference, with your podium saying "Hands, face, space", whether it was okay for organisations to hold unsocially distanced farewell gatherings in the workplace, what would you have said?" He replied, "I would have said that it is up to organisations, as the Guidance says, to decide how they are going to implement the Guidance. […] I would have said that the answer is that you should do what the Guidance says, and the Guidance says that where you put in mitigations, where you do what is possible, where you follow social distancing in a way that reflects the realities of your work space, that will be in compliance with the Guidance."[65]

61. In summary, Mr Johnson has argued that he did not believe the gathering on 13 November breached the covid Rules or Guidance because (in relation to the Rules) he considered the gathering essential for work purposes in order to maintain staff morale; and (in relation to the Guidance), although he acknowledges that 2-metre social distancing was not being observed, the Guidance allowed for a lesser degree of distancing if the activity was critical for the continued operation

56 Q15; see also Q34.
57 Qq100-101.
58 Q102.
59 Q17.
60 Q9.
61 Q20.
62 Q25.
63 Q104.
64 Rt Hon Boris Johnson (BJS0002), para 54.
65 Qq27-28.

of the business or organisation and all possible mitigating actions had been taken.

62. There is no doubt that neither 2-metre nor 1-metre distancing was being observed at the gathering. In our inspection of the Press Office vestibule we established that the room measures around 5 metres by 6 metres. With between 15 and 20 people present it would not be possible to maintain social distancing in this space, and the photographs of the event which show Mr Johnson confirm that it was not maintained. We have seen no evidence for Mr Johnson's suggestion that people were making an effort to distance themselves socially from each other and it does not seem consistent with the photographs seen by the Committee.[66]

63. We see no evidence of mitigations being put in place. We consider that Mr Johnson's reference to the existence of screens in the adjacent Press Office is irrelevant and a distraction as he knew that there were no screens in the vestibule where the event actually took place.

64. Mr Johnson argued that the gathering was "essential" for work purposes because of the need to maintain morale in the immediate aftermath of the potentially acrimonious departure of two senior members of staff. Even where the legal test of a gathering's reasonable necessity for work purposes was met, the Guidance further required that "where the social distancing guidelines cannot be followed in full […] businesses should consider whether that activity needs to continue for the business to operate".

65. We note that organisations across the UK were suffering severe staff morale pressures during the Covid pandemic; we do not consider that this in itself provided a licence for Mr Johnson's conveniently flexible interpretation of the Rules on gatherings, or the Guidance on social distancing. We note that Mr Johnson equivocated when asked whether he would have condoned gatherings for this purpose in other organisations. In view of Mr Johnson's repeated exhortations to the public to follow the Rules and Guidance, indicating the importance he attached to their being taken seriously, we do not believe that, if asked at the time whether unsocially distanced "leaving dos" to maintain staff morale were permitted under the Rules and Guidance in force at the time, he would have advised the British public that they were. We note that the fact that Fixed Penalty Notices were issued for this gathering supports the conclusion that such gatherings were, in fact, not permitted under the Rules then in force.

66. We conclude that there is photographic evidence of Mr Johnson's presence at an event on 13 November 2020 where there was no social distancing; that no mitigations are visible in the photographs; and that the Covid Rules and Guidance at the time did not allow a socially undistanced event to proceed purely for the purpose of maintaining staff morale, and that this would have been clear to Mr Johnson.

Gathering on 27 November 2020

67. Two weeks after the gathering of 13 November 2020, on Friday 27 November 2020, Mr Johnson attended and gave a speech at an unplanned leaving gathering to thank a departing special adviser. This again took place in the vestibule to the Press Office.[67] This is the only one of the six events we have focussed on in this report which was not the subject of Fixed Penalty Notices. We have included this event among those focussed on because of its significance in terms of its evidential value in considering the nature of gatherings in No 10 and compliance, or otherwise, with relevant Guidance.

68. We received three witness statements attesting to a lack of social distancing at this event. Jack Doyle, who was Press Secretary at the time and subsequently Director of Communications, stated that there were "certainly more than 20" people in attendance (in a small room measuring about 5 metres by 6 metres).[68] Another witness has stated that they could not make their way from their office through the vestibule because of the throng of people: "I stood on tiptoes and thought how do I get out? […] I remember vividly that it was about 4-5 people deep […] I remember thinking "I'd like to get out of my office and I can't".[69] Another witness stated that Mr Johnson joked during this gathering that it was "probably the most unsocially distanced gathering in the UK right now".[70]

69. In his written evidence Mr Johnson stated that he did not remember making the remark about "the most unsocially distanced gathering" at this particular event, and "it seems unlikely given that it was, as [No. 10 official] says, a small and impromptu event".[71] However, he also stated that he "might well have made observations in speeches about social distancing".[72] He elaborated in oral evidence: "it is certainly likely that I would have drawn attention to the importance of social distancing, since that was very high in people's minds."[73] In his written evidence he drew attention to the fact that the witness who referred to the alleged remark went on to state that Mr Johnson "had a glass of water in his hand, made a short speech and then went up to his flat. He was the most sensible person there to be honest."[74] Mr Johnson added that any observations he may have made about social distancing did not mean he thought the Guidance was contravened: "I did not believe that the Guidance required full social distancing at all times provided you did what you could overall, and put additional mitigations in place where social distancing was not possible".[75]

70. Mr Johnson repeated about this event his comments about 'leaving gatherings' in general:

> I would typically be told by one of my officials that a gathering would shortly be taking place to thank a member of staff who was departing. I would grab a piece of paper, and scrawl some things to say about that official's contribution. When I arrived at the room, I would see the same people I worked with every day, in the same rooms that they normally worked in. […] When I looked around the room, I did not think anyone was breaking any Rules or Guidance: on the contrary, I thought that we were all doing our job.[76]

66 His exact words were: "I don't accept that people were not making an effort to distance themselves socially from each other" (Q9).

67 Core evidence bundle materials, p. 17 and p. 19.

68 Core evidence bundle materials p. 17; for measurements see paragraph 62 above.

69 Core evidence bundle materials, p. 17.

70 Core evidence bundle materials, p. 17.

71 Rt Hon Boris Johnson (BJS0002), para 63.

72 Q43.

73 Q47.

74 Rt Hon Boris Johnson (BJS0002), para 62.

75 Rt Hon Boris Johnson (BJS0002), para 63.

76 Rt Hon Boris Johnson (BJS0002), para 55 and cross-reference in para 60.

71. Referring specifically to the gathering on 27 November, Mr Johnson wrote that he "briefly" attended the gathering, "made a short speech, and left after approximately 10 minutes". He added: "I do not believe that anything that I saw in the short period of time that I was at the gathering was contrary to the Rules or Guidance".[77]
72. In his oral evidence Mr Johnson disputed the number of people at the gathering. We received evidence that "certainly more than 20" people were present.[78] Mr Johnson urged us to take account of the conclusions of the Sue Gray report which referred to "15 to 20 people" being present. He also drew attention to a No. 10 official's evidence in which that witness stated that Mr Johnson's speech at the event was very brief: he spoke for "[a]pproximately 45 seconds. Then I said something for about 15 seconds."[79] Asked to say whether he accepted the evidence of some witnesses that there was insufficient social distancing at the event, Mr Johnson replied, "I say that some of them do, some of them don't".[80]
73. We conclude that Mr Johnson attended an impromptu event in the Press Office vestibule on 27 November 2020 at which there is evidence from some attendees that social distancing was not observed. One witness stated that there were "certainly more than 20" people in attendance. Another stated that Mr Johnson made a joke about the lack of social distancing. Mr Johnson draws attention to the Second Permanent Secretary's conclusion that "15 to 20 people" were present. There is not a large gap between the two estimates and clearly no-one was taking an exact count of numbers. Even if it were at the lower estimate of 15, that was too many for social distancing of 1 metre, let alone 2 metres, in that space. We note further evidence that there was a large gathering of people in the vestibule, sufficient to make it difficult for a person to make their way through the room.
74. Mr Johnson stated that he was in attendance for about 10 minutes. This would have afforded him opportunity to observe a large gathering of people in the relatively small space of the vestibule. We have received no evidence that significant mitigations or efforts to maintain social distancing were in place at the event. We have noted earlier (see paragraphs 37 and 66) our conclusion that no reasonable reading of the Covid Guidance at the time would have considered a socially undistanced event purely for the purpose of maintaining staff morale permissible.

Gathering on 18 December 2020

75. In December 2020, the Rules and Guidance in force for the prevention of the spread of Covid included restrictions on indoor gatherings of two or more people and maintaining social distancing of 2 metres or 1 metre with risk mitigations in the workplace wherever possible.[81] As we noted above, the previous month (on 9 November), Mr Johnson said at a Covid press conference that "Neither mass testing nor progress on vaccines […] are at the present time a substitute for the national restrictions, for social distancing […] and all the rest. So it is all the more important to follow the Rules."
76. On Friday 18 December 2020, the No. 10 Press Office held "a planned drinks event with cheese and wine". It was billed as a Christmas gathering and between 25 and 40 people attended.[82]
77. We received evidence that the gathering began as an end-of-day catch-up but that "[t]he drinks started after that, probably around 5pm", that "[a]fter 6.30pm more people turned up across the house", and that the event "ran on into the early hours – 2am from memory".[83] The gathering was described in evidence we received as "beyond desk drinks", and "far more relaxed than it should have been", with people "shoulder to shoulder with each other". One witness described the event as "[a] gathering rather than a party", on the grounds that "[a] party has music and dancing, […] I don't remember any music being on". One No. 10 staff member who did not attend said they later heard that the gathering had "escalated" and "turned into a party".[84] Fixed Penalty Notices were issued to some of those who attended.
78. Mr Johnson did not attend this gathering but he was present in No. 10 throughout the day. His official diary records that after chairing a meeting in the Cabinet Room from 8.24 pm, he went up to his flat at 9.58 pm. The staircase to the flat begins next to the doorway leading through to the Press Office. During our site visit to No 10 we established that there is a clear line of view from the foot of the stairs into the Press Office. There are three rooms in a row starting from the staircase: first a small corridor or antechamber, then a vestibule, and then the Press Office itself. None of these rooms is large. The Press Office itself is filled with work stations, so the location which was habitually used for gatherings was the adjacent vestibule (which can be seen being used for this purpose in the photographs of the gathering on 13 November 2020). The vestibule is 4 or 5 metres away from the foot of the staircase.
79. In written evidence Mr Johnson stated:

> I do not recollect seeing or hearing anything that could be described as a party. I do not recollect seeing anyone detectably

77 Rt Hon Boris Johnson (BJS0002), para 60.
78 See paragraph 68 above.
79 Additional evidence materials, p8; for the material in the Sue Gray report referred to by Mr Johnson, see GOV.UK, Findings of the Second Permanent Secretary's Investigation into alleged gatherings on government premises during Covid restrictions, 25 May 2022, p. 19.
80 Q49.
81 On this date, London was classified as a 'Tier 3' area. Regulations stated: "No person may participate in a gathering in the Tier 3 area which:

(a) consists of two or more people, and

(b) takes place in a private dwelling or in any indoor space."

Exceptions included "where the gathering is reasonably necessary for work purposes, or for the provision of voluntary or charitable services". See: The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 (SI 2020/1374) (as amended 2 December 2020), Schedule 3 Part 1.
Workplace Guidance stated:
"You must maintain social distancing in the workplace wherever possible".
It advised social distancing of 2 metres, or 1 metre with risk mitigations where 2 metres was not viable. It encouraged business to take "all the mitigating actions possible" where social distancing could not be followed in full. For meetings, this included using remote working tools to avoid in-person meetings, only absolutely necessary participants attending, and holding meetings outdoors or in well-ventilated rooms. See: GOV.UK, Working safely during coronavirus (COVID-19): Offices and contact centres, as updated 14 December 2020.
82 Core evidence bundle materials, p. 54.
83 Core evidence bundle materials, pp. 54-56.
84 Core evidence bundle materials, pp. 54-56.

> under the influence of alcohol or hearing anything from my flat. As I have said, I was working and my mind was decisively elsewhere.[85]

80. Referring to claims that there were regular Friday night "Press Office gatherings", Mr Johnson stated that:

> I accept that I could see into the Press Office on my way to the flat, although my attention is often elsewhere when I am returning to the flat. Although I cannot recall any specific occasions, I may well have seen groups of people in the Press Office when going up to my flat. There would be nothing unusual or untoward about that. They were consistently working late during the Covid-19 pandemic and regularly would meet on Friday evenings to discuss and debrief the events of the week, where wine would be available. I did not ever hear anything from my flat from the Press Office.[86]

81. When giving oral evidence Mr Johnson was asked, in relation to the gathering on 18 December, whether he was unaware of "the noise or the event taking place". He replied:

> Absolutely. If I had looked, what I would have seen, I am sure, was people doing a huge amount of work on a very, very busy evening. Now, I didn't look. I certainly have no memory of seeing any kind of party or illicit gathering going on in the press room on that evening. The first I heard about this – the first I knew about it – was when it was brought to my attention by Jack Doyle almost a year later.[87]

82. We note that Mr Johnson himself, in private WhatsApp messages sent to his then press secretary Jack Doyle on 7 December 2021 and submitted to us, uses the term "party" in relation to the gathering on 18 December 2020. Mr Johnson's lawyers informed us on his behalf that:

> In these messages, Mr Doyle and the Prime Minister refer to [No. 10 official] talking about "the party", however they only do so as shorthand, because that is what the event is being called in the media. It is not a concession that the Prime Minister believed a "party" or any kind of illicit or unauthorised gathering had taken place.[88]

83. Mr Johnson argues that he heard nothing from his flat, nor did he see anyone "detectably under the influence of alcohol", but it is not claimed that he did. Mr Johnson asserts that he did not observe what was going on as he passed the entrance to the Press Office, because his "mind was decisively elsewhere" and "my attention is often elsewhere when I am returning to the flat". This may have been the case, but it is in our view not a credible reason why he would not have observed the gathering. Given the evidence we have received that between 25 and 40 people attended the gathering, that drinking began at 5 pm and the event was "beyond desk drinks" and continued till "the early hours", and that Mr Johnson walked past at 9.58 pm, given that the issue of Fixed Penalty Notices suggests the social (not work-related) nature of the event, for at least some time (and the evidence we have suggests that would be a significant proportion of the event), and given that we know from our own evidence that social distancing was not observed, we conclude that Mr Johnson is unlikely to have been unaware, as he returned to his flat, that a crowded gathering that was in breach of the Covid Rules and Guidance was taking place in the Press Office vestibule. We accept, however, that it is possible, though unlikely, that there was nothing untoward occurring in the vestibule at the time he ascended to the flat.

Gathering on 14 January 2021

84. In January 2021, the Rules in force for the prevention of the spread of Covid included restrictions on indoor gatherings of two or more people, and Guidance stated that there should be social distancing of 2 metres or 1 metre with risk mitigations in the workplace wherever possible, and that only absolutely necessary participants should usually physically attend meetings.[89] At a Covid press conference on 30 December 2020, Mr Johnson outlined the 'Tier 4' restrictions which were in force in London a fortnight later when the 14 January gathering took place. He said the restrictions meant "not meeting up with friends or family indoors, unless they are in the same household or support bubble, and avoiding large gatherings of any kind."[90]

85. On Friday 14 January 2021, Mr Johnson attended and gave a speech at a leaving gathering for two officials involving 15 people.[91] This was held in the Pillared Room in No. 10. The gathering was de-

85 Rt Hon Boris Johnson (BJS0002), para 66.
86 Rt Hon Boris Johnson (BJS0002), para 71.
87 Q85.
88 Additional evidence materials, p. 10.

89 On this date, London (together with the rest of England) was classified as a 'Tier 4' area. Regulations stated: "No person may participate in a gathering in the Tier 4 area which:

(a) consists of two or more people, and
(b) takes place in a private dwelling or in any indoor space."

Exceptions included "where the gathering is reasonably necessary for work purposes, or for the provision of voluntary or charitable services". See: The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 (SI 2020/1374) (as amended 6 January 2021), Schedule 3A Part 2.
Workplace Guidance stated:
"Currently, you can only leave home for work purposes where it is unreasonable for you to do your job from home. If it is unreasonable for you to do your job from home, you must maintain social distancing in the workplace wherever possible".
It advised social distancing of 2 metres, or 1 metre with risk mitigations where 2 metres was not viable. It encouraged business to take "all the mitigating actions possible" where social distancing could not be followed in full. For meetings, this included using remote working tools to avoid in-person meetings, only absolutely necessary participants attending, and holding meetings outdoors or in well-ventilated rooms. See: GOV.UK, Working safely during coronavirus (COVID-19): Offices and contact centres, as updated 7 January 2021.
90 GOV.UK, Prime Minister's statement on coronavirus (COVID-19): 30 December 2020, 30 December 2020.
91 Core evidence bundle materials, p. 47.

scribed in evidence submitted to the Committee by a No. 10 official who attended it as "not strictly a meeting about work".[92] Photographs submitted to us confirm that Mr Johnson was in attendance.[93] Fixed Penalty Notices were issued to staff for this event.

86. In his written evidence Mr Johnson told us that he attended the 14 January 2021 gathering for approximately 10 minutes and made a speech. He told us that his remarks about 'leaving gatherings' in general applied to this event (see paragraphs 59 and 70 above). He added:

> I do not believe that anything I saw in the short period of time that I was at the gathering was contrary to the Rules or Guidance.[94]

We note that although Mr Johnson in his evidence frequently comments on how relatively brief his attendance at gatherings was, the issue is not the duration of his attendance but whether he was there for long enough to observe the nature of the gathering, the number of other people present, and whether any mitigations were in place if social distancing could not be observed.

Mr Johnson observed that he did not receive a Fixed Penalty Notice in relation to this event, and stated that "[i]nsofar as others did receive a Fixed Penalty Notice in relation to this event, I can only assume that it related to conduct after my departure, and that the event escalated into something different in nature to what I had seen".[95] Mr Johnson repeats this assumption more generally in his written submission to the Committee, where he states "I did not know that any of the events that I had attended later escalated beyond what was lawful after I left".[96]

An alternative explanation for his not having received a FPN is that an individual person may have had a reasonable excuse for their participation in a gathering that was not (and never was) reasonably necessary for work purposes. Mr Johnson is aware that some individuals may not have received FPNs in respect of gatherings that nonetheless breached the Covid Rules as he states in his written evidence that he is aware that other attendees at the 19 June 2020 gathering did not receive FPNs despite his having received one.[97] The fact Mr Johnson did not receive an FPN for an individual event therefore does not exclude the possibility that he could have made an assessment that the gathering overall was not compliant with the Rules.

90. Mr Johnson also added that no one at the time had raised any concerns with him about whether the event on 14 January 2021 complied with the Rules or Guidance, and that "no one advised me before or after the event that it was against the Rules or Guidance to thank departing staff".[98] In his written evidence, he also states more generally that the evidence received by the Committee contains "not a single document that indicates that I received any warning or advice that any event broke or may have broken the Rules or Guidance".[99]

91. However, we consider that Mr Johnson's personal knowledge of the gatherings, in particular what he saw while he was present at them, means that he would not have needed to be reliant on advice to satisfactorily assess their nature. We also note that Mr Johnson made repeated statements to the House and the public highlighting the responsibility of everyone in the UK to understand and follow the Covid measures in place; for example:

- On 13 May 2020, Mr Johnson told the House: "We are working together as a country to obey the social distancing rules, which everybody understands. The British people understand that this is the moment for the whole country to come together, obey those rules, and apply common sense in their application of them".[100]
- On 22 September 2020, Mr Johnson said at a Covid press conference: "Never in our history has our collective destiny and our collective health depended so completely on our individual behaviour. If we follow these simple rules together, we will get through this winter together".[101]
- Again on 22 September 2020, Mr Johnson told the House–after announcing new workplace restrictions and promoting covid-secure business practices: "If people focus on the measures we have outlined today, and particularly on obeying the guidance on social distancing, together we will defeat covid."[102]

92. In oral evidence Mr Johnson "disagree[d] […] very strongly" with the suggestion that a breach of Covid Rules would have been obvious to him when he was there. Referring to one of the photographs we invited him to comment on, he said "[t]here is nothing I can see […] in that photograph that strikes me as being either against the Rules or the Guidance". As in relation to other gatherings, Mr Johnson asserted that "I thought it was right and proper for me to motivate staff by saying how we were doing and to thank them for what they had done. It wasn't just the staff who were leaving who needed to be appreciated; it was the staff who were there, who needed to be motivated".[103]

93. Commenting on the array of bottles visible on the table in the photographs, Mr Johnson said "I know that there are some bottles on the table […] It is customary to say farewell to people in this country with a toast. I did not see any sign of drunkenness or excess […] I don't know what happened later on".[104]

94. We note that some participants in the gathering received Fixed Penalty Notices. As we have commented earlier (see paragraphs 37 and 66), we do not consider that an event at this time was compliant with Covid Rules if the purpose of the event was purely to maintain staff morale.

92 Core evidence bundle materials, p. 47.
93 See Appendix 1 for photographs.
94 Rt Hon Boris Johnson (BJS0002), para 67.
95 Rt Hon Boris Johnson (BJS0002), para 68.
96 Rt Hon Boris Johnson (BJS0002), para 37.
97 Rt Hon Boris Johnson (BJS0002), para 38.
98 Rt Hon Boris Johnson (BJS0002), para 69.
99 Rt Hon Boris Johnson (BJS0002), para 5. We address the question of advice Mr Johnson may have received from his Principal Private Secretary Martin Reynolds relating to possible non-ompliance with the Guidance in paragraphs 147 and 161 below; see also paragraphs 103 to 108.
100 HC Deb, 13 May 2020, Vol 676 col 30.
101 GOV.UK, Prime Minister's statement on coronavirus (COVID-19): 22 September 2020, 22 September 2020.
102 HC Deb, 22 September 2020, Vol 680 col813.
103 Qq80-81.
104 Q80, Q82.

Other gatherings

95. On 18 May 2023 the Government, without prior notice to us, supplied us with new evidence relating to 16 gatherings at No. 10 and at Chequers. Accompanying this was a statement by the Government that: "As part of their work preparing Boris Johnson's witness statement for the Covid Inquiry (due to be filed on 29 May), the counsel team supporting Mr Johnson identified a number of diary entries as potentially problematic. These entries […] are based on an assessment by Government Legal Department as to events/activities which could reasonably be considered to constitute breaches of Covid Regulations." We assessed that this material was potentially relevant to our inquiry and accepted it as formal evidence. The following day, 19 May, we disclosed the material to Mr Johnson and requested that he supply us with comments, which we subsequently received. We also asked the Cabinet Office to supply us with further contextual material about the 16 events including the Prime Minister's diary for each day, and subsequently made a formal Order that they should supply us with any agendas or minutes or correspondence that might have a bearing on whether the events were work-related. The Cabinet Office has provided us with this material.
96. From Mr Johnson's lawyers we received on 22 May a statement that: "None of the events referred to in the documents constitute breaches of Covid Regulations and nobody has ever raised any concerns whatsoever with Mr Johnson about them. Mr Johnson does not accept that any of the events are relevant to the Privileges Committee's investigation."[105]
97. Mr Johnson's lawyers further stated that: "Each event was lawful for one or more of the following reasons: the gathering was reasonably necessary for work purposes; the gathering took place outside; the rule of six applied at the time; the linked household provisions applied; the linked childcare provisions applied; and/or emergency assistance and/or care/assistance was being provided to a vulnerable (pregnant) person".[106] We requested that Mr Johnson supply specific justifications for each gathering, and on 2 June he made further submissions in response to this request.
98. Mr Johnson has provided, under a statement of truth, explanations of the 16 events referred to in the recent material submitted to us by the Government. We have no evidence conflicting with his account. We do not wish to incur the further delay to our inquiry that would result from a detailed investigation of these events, and therefore we treat Mr Johnson's explanations as *prima facie* true. If for any reasons it subsequently emerges that Mr Johnson's explanations are not true, then he may have committed a further contempt.

Arguments advanced by Mr Johnson

Mr Johnson's assertions as to the meaning of the Guidance

99. In his final submission to us, Mr Johnson maintains that the Guidance was in fact subject to his flexible interpretation. He states:

> The Committee's interpretation is obviously wrong. The Guidance states in clear and express terms: "Objective: Ensuring workers maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable), wherever possible, including while arriving at and departing from work, while in work and when travelling between sites". The Committee appears to be suggesting that "wherever possible" attaches to part of the text in parenthesis but not all of it. That is, with respect, an impossible reading of that sentence. It also entirely ignores the following paragraph which states: "You must maintain social distancing in the workplace wherever possible". The position could not be clearer.

The Committee also referred on multiple occasions to the part of the Guidance that said "only absolutely necessary participants should physically attend meetings". The Committee appears to present this as an absolute requirement for all meetings but, with respect, that is also incorrect. As pointed out to Sir Bernard, this requirement is part of a list of "steps that will usually be needed". Clearly, a step that "usually" is needed is not one that must always be followed.[107]
100. The issue is not whether the Guidance contemplated that there could be circumstances in which it was not possible to maintain the social distancing guidelines of 2 metres, or 1 metre with risk mitigation where two metres is not viable: the Guidance clearly did so. The Guidance equally clearly indicated that "Where the social distancing guidelines cannot be followed in full, even through redesigning a particular activity, business should consider whether that activity needs to continue for the business to operate, and, if so, take all the mitigating actions possible to reduce the risk of transmission to staff."[108] The words "where possible" do not provide a blanket exemption to ignore obligations in the Guidance in respect of social distancing.
101. The claim that the word "usually" in the guidance meant prescriptions could be ignored is similarly misplaced. The guidance relating to meetings as it stood in November 2020 stated:

3.4 Meetings

Objective: To reduce transmission due to face-to-face meetings and maintain social distancing in meetings.
Steps that will usually be needed:

c) Using remote working tools to avoid in-person meetings.
d) Only absolutely necessary participants should physically attend meetings and should maintain social distancing (2m, or 1m with risk mitigation where 2m is not viable).
e) Avoiding transmission during meetings, for example avoiding sharing pens, documents and other objects.
f) Providing hand sanitiser in meeting rooms.
g) Holding meetings outdoors or in well-ventilated rooms whenever possible.

105 Additional evidence materials, p. 13.
106 Ibid.
107 Rt Hon Boris Johnson MP (BJS0004), paras 11–12.
108 As set out in various iterations of the guidance: "Working safely during coronavirus (COVID-19): Offices and contact centres", published on GOV.UK. See also: Rt Hon Boris Johnson (BJS0002), para 28

h) For areas where regular meetings take place, using floor signage to help people maintain social distancing.[109]

102. A reasonable reader of the Guidance would note the objective of reducing transmission, and consider which of the steps which might usually be needed should apply (for example, if a meeting was held outdoors, the provision about hand sanitiser in meeting rooms would be unnecessary). Mr Johnson's interpretation is not credible. It suggests that any business could have ignored the Guidance by simply deciding mitigations were not possible, and that it was going to disregard most or all of the mitigations which were usually needed.

Mr Johnson's argument that no-one raised any concerns with him

103. Mr Johnson argues that a proof of his honest belief that Rules and Guidance were followed in No. 10 was that no one raised any concerns with him. He told us in oral evidence that, while he does not "remember being specifically assured by any senior civil servant about the rules or the guidance within No. 10, […] the interesting thing is that, to the contrary, nobody gave me any contrary advice".[110] He also said, "in all the cases that you mention nobody came to me and said, 'We've got a problem with this one. You need to worry about this'".[111]
104. In response to this "argument from silence", we note that:

i) One senior official, Mr Johnson's Principal Private Secretary, Martin Reynolds, did in fact question directly with Mr Johnson whether the Guidance had been followed at all times (see paragraph 147 below–though Mr Reynolds also maintained in his written evidence that he believed and still believes the events were within the Rules);[112]
j) Other No. 10 staff, including some of Mr Johnson's most senior advisers, expressed concerns–albeit not directly to Mr Johnson–either at the time of the gatherings, or when the gatherings came to public attention, that they appeared *prima facie* breaches of the Rules or Guidance:
i) Lee Cain told us in evidence that he saw the tone of the email invitation for the gathering of 20 May 2020 as "clearly social and in breach of covid guidance" (see paragraph 25 above);
ii) We have evidence of WhatsApp messages sent by Jack Doyle in January 2022 stating he was "struggling to come up with a way" the gathering of 19 June 2020 was "in the rules" (see paragraph 47 above);
k) A junior official also told us in evidence that they felt it was clear that Rules and Guidance were not being followed in Downing Street, stating: "No. 10, despite setting the rules to the country, was slow to enforce any rules in the building. The press office Wine Time Fridays continued throughout, social distancing was not enforced […] This was all part of a wider culture of not adhering to any rules. No 10 was like an island oasis of normality".[113]

105. Mr Johnson also, of course, had personal knowledge of the gatherings (see paragraphs 23-94 above), as well as a particular responsibility in his role as Prime Minister to ensure he understood the Rules and Guidance his Government was directing the country to follow–not to rely on others to provide unsolicited advice.
106. Mr Johnson also argued that:
If it was obvious to me that these events were contrary to the guidance and the rules, it must have been equally obvious to dozens of others, including the most senior officials in the country. […] You are not only accusing me of lying; you are accusing all those civil servants, advisers and MPs of lying about what they believed at the time to be going on.[114]
107. The Committee is certainly not accusing civil servants or advisers of lying. We note the comments in written evidence we received from a No. 10 official, that "I was following a workplace culture. Senior people led it", and that "I look back and wouldn't do it now. I did it because senior people did it".[115] We note that it would have been difficult, if not impossible, for many staff members, particularly junior ones, to express concerns about the Prime Minister's behaviour or the behaviour of others in No. 10 as this would have been potentially career-damaging criticism of senior staff or the head of government.
108. Finally, we note that the issue by the Metropolitan Police of 126 Fixed Penalty Notices to 83 attendees at events in No. 10, while not theoretically incompatible with Mr Johnson's argument that no-one at No. 10 thought they were doing anything wrong, might alternatively be taken to suggest that Mr Johnson was overseeing in No. 10 a culture of laxity towards observance of the Rules and Guidance. Under these circumstances there was little incentive for officials to confront the Prime Minister with advice that the Rules or Guidance were being breached. As Prime Minister, Mr Johnson will have played a role, intentionally or otherwise, in the development of this culture; indeed, he has himself accepted responsibility for what happened in Downing Street.[116]

Gatherings: conclusions

109. We have set out and analysed evidence on six gatherings. This establishes that Mr Johnson had personal knowledge that should have led him, at least after due reflection and as gathering succeeded gathering, to question whether the Covid Rules and Guidance were being complied with.
110. For several of the No. 10 gatherings, as we have detailed, Mr Johnson has argued that it did not occur to him that they were in

109 As set out in various iterations of the guidance: "Working safely during coronavirus (COVID-19): Offices and contact centres", published on GOV.UK. See in particular: Core evidence bundle materials, p. 7.
110 Q107.
111 Q89.
112 Core evidence bundle materials, p. 94 and p. 103.
113 Additional evidence materials, p. 9.
114 Qq3-4; see also Rt Hon Boris Johnson (BJS0002), para 6.
115 Core evidence bundle materials, p. 54.
116 HC Deb, 25 May 2022, Vol 715 col 295: "I also want to say, above all, that I take full responsibility for everything that took place on my watch. Sue Gray's report has emphasised that it is up to the political leadership in No. 10 to take ultimate responsibility, and, of course, I do."

breach of Rules or Guidance. This is despite the fact that he must have been aware of the number of people attending, of the absence of official work being done, and of the absence of social distancing without visible mitigations. In each case he argues that he genuinely believed the events were covered by a work-related exemption to the Rules. He also argues that efforts to socially distance and the putting in place of some mitigations where possible (albeit somewhere other than where the gatherings were taking place) were sufficient for compliance with the Guidance.

111. With regard to the Rules: the gathering had to be essential or reasonably necessary for work purposes. A workplace 'thank you', leaving drink, birthday celebration or motivational event is obviously neither essential or reasonably necessary. Mr Johnson is adamant that he believed all of the events which he attended and of which he had direct knowledge were essential. That belief, which he continues to assert, has no reasonable basis in the Rules or on the facts. A reasonable person looking at the events and the Rules would not have the belief that Mr Johnson has professed. That is plain from the fact that around the UK during the period of pandemic restrictions these events did not take place.

112. This point is reinforced by the exposure of the mock Downing Street press conference video which became public in December 2021. When asked about one of the gatherings we have examined, that of 18 December 2020, and more generally whether the Prime Minister would "condone having a Christmas party", Mr Johnson's then Press Secretary Allegra Stratton was unable to think of any credible response, and was evidently embarrassed.

Five of the six events we have focussed on had the core purpose of thanking staff who had been working hard, or raising morale following the departure of staff. Mr Johnson, when asked whether he would have condoned gatherings for this purpose in other organisations, declined to say that he would. As we concluded in paragraphs 37 and 65 above, in view of Mr Johnson's repeated exhortations to the public to follow the Rules and Guidance, indicating the importance he attached to their being taken seriously, we do not believe that, if asked at the time whether unsocially distanced "leaving dos" to maintain staff morale were permitted under the Rules and Guidance, he would have advised the British public that they were.

114. In respect of the sixth event, the gathering to celebrate his birthday on 19 June 2020, while we have no reason to think that the meeting that followed this event was anything other than a necessary work meeting, Mr Johnson was unable to provide a convincing reason why this prior gathering was "reasonably necessary for work purposes".

115. With regard to the Guidance, there was no obvious social distancing at any of the events for which the Committee has photographs, and we have direct evidence about the lack of social distancing from witnesses. We have no evidence of substantive mitigations in place in the rooms or areas where the gatherings took place (save the 20 May 2020 gathering in the garden because it was open air). The mitigations described by Mr Johnson do not relate to the activities complained of. At best they are such marginal expedients as not touching pens or passing things to each other, except of course alcohol.

116. Mr Johnson concedes that social distancing was not possible at these events but maintains the Guidance was complied with "completely". That is not correct. Mr Johnson refers to social distancing of less than 2 metres as "imperfect" social distancing. This term is not in the Guidance. Without all possible efforts being made to redesign the event, to allow for social distancing of at least 1-metre with substantive mitigations, is non-compliance. This inability to maintain full social distancing would have brought into operation the clause in the Guidance relating to considering whether, in these circumstances, the event should take place at all. We conclude that Mr Johnson's persistence in putting forward this unsustainable interpretation of the Guidance is both disingenuous and a retrospective contrivance to mislead the House and this Committee.

117. We think it highly unlikely on the balance of probabilities that Mr Johnson, in the light of his cumulative direct personal experience of these events, and his familiarity with the Rules and Guidance as their most prominent public promoter, could have genuinely believed at the time of his statements to the House that the Rules or Guidance were being complied with. We think it just as unlikely he could have continued to believe this at the time of his evidence to our Committee. We conclude that when he told the House and this Committee that the Rules and Guidance were being complied with, his own knowledge was such that he deliberately misled the House and this Committee.

3 What Mr Johnson was told by others, and what he told the House

118. In the previous section of our report we considered Mr Johnson's knowledge of the Rules and Guidance relating to Covid that were in force at the time of the six gatherings we are focussing upon, and the extent of his direct personal knowledge of those gatherings. In this section of our report we consider what Mr Johnson was subsequently told by other people about compliance at No. 10 with the Covid Rules and Guidance, in advance of his assertions to the House about compliance.

Mr Johnson's statements to the House

119. On the afternoon of 30 November 2021, the Daily Mirror contacted No. 10 to say that they were planning to publish an article alleging that events had taken place in Downing Street in November and December 2020 which had broken Covid Rules. It specifically alluded to the gatherings of 27 November 2020 and 18 December 2020 (which we examine in paragraphs 67 to 74 and 75 to 83 above), among others. The article appeared online later that day, and was the paper's front-page lead the following day, 1 December, with the headline: "Boris Party Broke Covid Rules".[117]

120. At Prime Minister's Questions (PMQs) on 1 December Mr Johnson was asked by the Leader of the Opposition whether a Christmas party had been held for dozens of people in No. 10 on 18 December 2020, and he told the House that "all guidance was followed completely in No. 10".[118] The Leader of the Opposition followed up his initial question about this gathering with further ones, but Mr Johnson avoided directly answering them. During the week that followed, allegations of gatherings in No. 10 continued to have a high political and media profile.

117 Core evidence bundle materials, p. 58.
118 HC Deb, 1 December 2021, Vol 704 col 909.

121. The next Prime Minister's Questions was on 8 December 2021. The previous evening ITV had published a video of a mock press conference filmed on 22 December 2020 where then-Press Secretary Allegra Stratton was asked about the gathering of 18 December 2020, and appeared embarrassed.[119] At PMQs, before he was asked any specific questions, Mr Johnson stated:

> I understand and share the anger up and down the country at seeing No. 10 staff seeming to make light of lockdown measures. I can understand how infuriating it must be to think that the people who have been setting the Rules have not been following the Rules, because I was also furious to see that clip. I apologise unreservedly for the offence that it has caused up and down the country.[120]

122. Mr Johnson went on:

> I repeat that I have been repeatedly assured since these allegations emerged that there was no party and that no covid Rules were broken. That is what I have been repeatedly assured.[121]

123. Pressed by the Leader of the Opposition on this issue, Mr Johnson said:

> I apologise for the impression that has been given that staff in Downing Street take this less than seriously. I am sickened myself and furious about that, but I repeat what I have said to him: I have been repeatedly assured that the Rules were not broken.[122]

124. Mr Johnson referred to the assurances a further time, in response to the next question asked by the Leader of the Opposition, stating: "I have been repeatedly assured that no rules were broken."[123]

125. Later in PMQs, Mr Johnson was asked by the Labour MP Catherine West whether there had been a party in No. 10 on 13 November 2020 (we examine an event that took place in No. 10 that evening at paragraphs 49 to 66 above). He replied, "No, but I am sure that whatever happened, the Guidance was followed and the Rules were followed at all times."[124] In response to a question from Ian Blackford, Mr Johnson commented that "the Opposition parties are trying to muddy the waters about events, or non-events, of a year ago".[125]

126. At the same PMQs, on 8 December 2021, Mr Johnson announced that he had commissioned the Cabinet Secretary, Simon Case, to carry out an investigation into the alleged gathering on 18 December 2020.[126] In written evidence, Mr Johnson argues that by announcing this investigation, he "anticipated the possibility that the statement that I made to the House on 1 December 2020 [*sic:* error for 2021], and the assurances that I had received by others, may turn out to be incorrect".[127] Mr Case subsequently recused himself from conducting this investigation, responsibility for which was transferred to the then Second Permanent Secretary at the Cabinet Office, Sue Gray, with a remit extended to cover other gatherings.

127. On 15 December 2021, Mr Johnson told the House: "A report is being delivered to me by the Cabinet Secretary into exactly what went on".[128] On 12 January 2022, Mr Johnson said to the House in relation to the gathering of 20 May 2020: "All I ask is that Sue Gray be allowed to complete her inquiry into that day and several others, so that the full facts can be established";[129] he also repeated urged Members to "wait" for the inquiry to be concluded in response to Members' questions about what had happened and the implications for his position as Prime Minister.[130] He further urged Members to wait for the inquiry's conclusion in similar terms on 19 January.[131]

128. At PMQs on 12 January 2022, after press stories had appeared concerning the gathering in the garden of No. 10 on 20 May 2020, Mr Johnson told the House that when he had attended that event, he had "believed implicitly that this was a work event".[132]

129. In response to subsequent questioning from the Leader of the Opposition – which was not limited to the gathering of 20 May but more generally referenced "reports of boozy parties in Downing Street during lockdown" and the assurances Mr Johnson had given the House – Mr Johnson said, "I accept that we should have done things differently on that evening [20 May 2020]. As I have said to the House, I believe that the events in question were within the Guidance and were within the Rules, and that was certainly the assumption on which I operated".[133]

130. On 19 April 2022 Mr Johnson acknowledged to the House that Covid Rules had not been followed at his birthday gathering on 19 June 2020, for which Mr Johnson and others received Fixed Penalty Notices on 12 April 2022. He stated: "It did not occur to me, then or subsequently, that a gathering in the Cabinet Room just before a vital meeting on covid strategy could amount to a breach of the rules […] That was my mistake and I apologise for it unreservedly."[134]

131. Following the publication of Sue Gray's report on 25 May 2022, Mr Johnson made a statement to the House. That statement maintained that leaving events for No. 10 staff which Mr Johnson had attended had complied with the Rules and Guidance at the time when he was in attendance. Mr Johnson said:

> I am happy to set on the record now that when I came to this House and said in all sincerity that the rules and guidance had been followed at all times, it was what I believed to be true. It

119 ITV, Downing Street staff shown joking in leaked recording about Christmas party they later denied, 10 December 2021 (first published 7 December 2021).
120 HC Deb, 8 December 2021, Vol 705 col 372.
121 Ibid.
122 HC Deb, 8 December 2021, Vol 705 col 372.
123 HC Deb, 8 December 2021, Vol 705 col 373.
124 HC Deb, 8 December 2021, Vol 705 col 379.
125 HC Deb, 8 December 2021, Vol 705 col 376.
126 HC Deb, 8 December 2021, Vol 705 col 372.
127 Rt Hon Boris Johnson (BJS0002), para 92.
128 HC Deb, 15 December 2021, Vol 705 col 1051.
129 HC Deb, 12 January 2022, Vol 706 col 563.
130 See for example, HC Deb, 12 January 2022, Vol 706 col 564, and col 573; see also Annex 2.
131 See for example, HC Deb, 12 January 2022, Vol 707 col 321, and col 323; see also Annex 2
132 HC Deb, 12 January 2022, Vol 706 col562.
133 HC Deb, 12 January 2022, Vol 706 col564.
134 HC Deb, 19 April 2022, Vol 712 col 48.

> was certainly the case when I was present at gatherings to wish staff farewell […] but clearly this was not the case for some of those gatherings after I had left, and at other gatherings when I was not even in the building. So I would like to correct the record – to take this opportunity, not in any sense to absolve myself of responsibility, which I take and have always taken, but simply to explain why I spoke as I did in this House.[135]

The purported assurances

132. At an early stage in our inquiry we asked the Government to supply briefings for PMQs on 1 and 8 December 2021. The briefing pack for 1 December 2021 contains no assurances. The Cabinet Office was unable to provide us with the pack for 8 December.

133. In his written and oral evidence, Mr Johnson addressed the question of who gave him the assurances he referred to in the House on 8 December 2021, and what those assurances related to. He stated that he had received assurances from Jack Doyle and James Slack, successive No. 10 Directors of Communications, and cited evidence provided to the Committee by Mr Doyle and Mr Slack to support this. He also cited evidence to the Committee from Martin Reynolds, his Principal Private Secretary, who said he "believed that reassurances were provided by some of the senior communications staff team who were present at the [18 December 2020] event, including Jack Doyle",[136] and from his two Parliamentary Private Secretaries (PPSs), Sarah Dines MP and Andrew Griffith MP, who both recalled Mr Johnson being given assurances on one occasion by "more than one person in the room" (Dines) and "by multiple different 10 Downing Street staff" (Griffith).[137]

134. In his written evidence Mr Johnson insisted that his statements that he had received assurances were correct and did not mislead the House. He stated that when he had said (on three occasions) that he had "repeatedly" received assurances, "[b]y '*repeatedly*' I meant on more than one occasion and by more than one person".[138]

135. In the paragraphs that follow we consider in turn each of the claims listed above by Mr Johnson and other witnesses that assurances were given. We will examine both the content and the source of the assurances Mr Johnson referred to in the House, in order to consider whether it was appropriate for Mr Johnson to refer to those assurances in answer to questions in the House in the way that he did.

Assurances from Jack Doyle and James Slack

136. Jack Doyle was a former Daily Mail journalist who was appointed Mr Johnson's Press Secretary in early 2020 and served as Director of Communications at No. 10 (a role providing political advice, rather than a permanent civil service role) from April 2021 to February 2022. James Slack was Mr Doyle's predecessor as Director of Communications, being in that post from January to March 2021, having previously been the Prime Minister's Official Spokesperson from 2017, serving under both Theresa May and Mr Johnson, and before that the political editor of the Daily Mail. Both Mr Slack and Mr Doyle were personally present at the 18 December 2020 gathering.[139]

137. Mr Johnson has stated that the "initial assurance" was given to him by Mr Doyle following the Daily Mirror's inquiry to No. 10 referred to in paragraph 119 above on 30 November 2021.[140] In oral evidence, Mr Johnson recalled a conversation with Mr Doyle on this date. He said:

> I talked to Jack Doyle about what had happened at that event [the gathering of 18 December 2020]. This is the evening of 30 November 2021; my diary says it was about 6 o'clock. He comes in and says, as you say, that the Daily Mirror is going to run this story […] I asked him about this 18 December event and I asked him to describe it […] He told me that it was within the rules. He said that people were sitting at their desks, drinking admittedly, but that was not banned; under any of either the rules or the guidance, it was not prohibited. It was regular, I am afraid, for people to drink on Fridays. I concluded that it sounded to me as though that event was within both the rules and the guidance. That fortified me in what I stood up to say the following day.[141]

138. Mr Johnson indicated that this conversation, together with the press line that was issued to the Daily Mirror that "covid rules were followed at all times", was the basis for his statement in the House on 1 December 2021 that "all guidance was followed completely in No. 10" when he was asked by the Leader of the Opposition whether a Christmas party had been held in No. 10 on 18 December 2020.[142] In his written evidence, Mr Johnson states that he had "no basis on which to disbelieve Jack's account of the event", and that it "sounded like it was firmly within the work exemption";[143] but we note that Mr Johnson's evidence does not indicate that he made any efforts to double-check Mr Doyle's account with anyone else or to verify (in particular, with any impartial civil servant or legal adviser) his assessment that it was within the Rules before relying on it in PMQs the next day.

139. Mr Doyle corroborates Mr Johnson's account in his written evidence. He confirmed the description he gave to the Cabinet Office investigation of his conversation with Mr Johnson on 30 November 2021:

> The only thing I said to the PM was that I didn't regard this as a party and we didn't believe the rules had been broken and that's what we said at lobby […] I said that we have had an enquiry from the Mirror, that it was about a series of events –

135 HC Deb, 25 May 2022, Vol 715 col 296.
136 We note that there is no evidence that Mr Johnson ever asked Mr Reynolds directly for advice on this matter.
137 Rt Hon Boris Johnson (BJS0002), para 90.
138 Rt Hon Boris Johnson (BJS0002), para 90.
139 Core evidence bundle materials, pp 54, 70, 71,75.
140 Rt Hon Boris Johnson (BJS0002), para 91(4).
141 Q89.
142 Q89. Mr Johnson also indicated that his statement of 1 December 2021, in which he referred to "guidance" being followed, was a "misremembering" of the press line that Covid Rules were followed at all times. See paragraph 156 below.
143 Rt Hon Boris Johnson (BJS0002), para 78.

> the [redacted] thing, Dec 18 party and a quiz and another one I think – and I said that we are saying that this wasn't a party and no rules were broken. He said what is our line?[144]

140. The "line" that was sent to the Mirror was "Covid rules have been followed at all times".[145] Mr Doyle confirmed that "the lines that were drafted for the Mirror became the basis of Mr Johnson's lines to take in PMQs on 1 December 2021".[146]

141. It is clear from the evidence that the initial line to take, which became the basis of Mr Johnson's response at PMQs on 1 December 2021, was developed quickly by the No. 10 media team in response to a press query. Mr Doyle has stated that this was done under pressure of time and that the press team were not able to mount an investigation into all the events about which the Mirror had made allegations:

> You are trying to make decisions in an hour and a half. Not capable of investigating 4 events that the Mirror were alleging–it is not within our capacity to give and manage a bite sized assessment of 4 events when approached by the Mirror.[147]

142. WhatsApp messages exchanged between Mr Doyle and another Downing Street official in the media team on 30 November 2021 show the "line to take" being developed. Mr Doyle comments: "Key thing is there were never any Rules against workplace drinking so we can say with confidence no Rules were broken."[148] It follows that the line to take simply reflected Mr Doyle's personal belief about No. 10's compliance with Covid Rules based on his own experience. Mr Doyle stated in evidence that "[c]onversations which took place between the Prime Minister and me, and assurances given, were firmly based on my experiences of the prevailing working environment which has been documented in my answers to the Cabinet Office investigation".[149]

143. Mr Johnson notes in his written evidence that on the evening of 7 December 2021, i.e. one week after the Daily Mirror's original enquiry and following ITV's release of the mock press conference video, he received a WhatsApp from Jack Doyle advising him on what to say in PMQs the following day which stated: "I think you can say 'I've been assured there was no party and no rules were broken'". Mr Johnson also states that he had a conversation with James Slack where he asked Mr Slack to describe what happened at the event of 18 December 2020, during which Mr Slack "confirmed to me [i.e. Mr Johnson] that the Rules were followed".[150]

144. We asked Mr Slack to confirm to us Mr Johnson's claim to the Cabinet Office investigation that Mr Slack and Mr Johnson had spoken the week after the Daily Mirror's enquiry, and that Mr Slack had told Mr Johnson that No. 10 had followed Covid Rules. Mr Slack confirmed that "[t]o the best of my recollection, the account given by Mr Johnson is correct."[151] He added, "[t]o the best of my recollection, I had one discussion only with Mr Johnson relating to gatherings in No. 10, which is the telephone conversation referenced above. This discussion concerned the gathering on December 18, 2020, only, and in the terms described by Mr Johnson ie my belief that Covid Rules were followed at the event. I do not recall any discussion of any other events."[152]

Limited scope of assurances from Jack Doyle and James Slack

145. The evidence we received suggests that the assurances Mr Doyle and Mr Slack provided to Mr Johnson related exclusively to the event on 18 December 2020. In relation to the assurances he had referred to in his opening statement at PMQs on 8 December 2021, Mr Johnson commented in his written evidence that, "[a]s the context of the statement makes clear, the statement related only to the 18 December 2020 event".[153] As we note above at paragraphs 120 and 123, Mr Johnson subsequently cited these assurances on two further occasions in response to questioning by the Leader of the Opposition. Mr Johnson states in his final evidence submission of 22 May 2023 that "the statements made to Parliament on 8 December 2021 were clearly and expressly limited to assurances that I had received in relation to [the 18 December 2020] event".[154]

146. Mr Doyle has stated that he did not discuss with Mr Johnson whether any gatherings had been compliant with Covid Guidance, as opposed to Covid Rules, and did not advise Mr Johnson to say No. 10 had complied with Covid Guidance at all times.[155] Mr Doyle further stated:

> The Committee is right to draw a distinction between Rules and Guidance. […] Number 10 Downing Street is an old building with limited space. We made every effort to comply with Covid-19 guidelines to the greatest extent that we were able. Where this was not possible, we took measures to mitigate risks, such as installing Perspex screens between desks. It is difficult to say that guidelines of this nature were followed at all times, and it would not be possible for me to say that they were.[156]

147. Mr Johnson's Principal Private Secretary, Martin Reynolds, said that he had queried with Mr Johnson whether he should say that Guidance had been followed at all times:

> I do recall asking the then Prime Minister about the line proposed for PMQs on 7 December [actually 8 December], suggesting that all Rules and Guidance had been followed. I cannot remember exactly when I did this but believe it would have been in the period (roughly an hour) immediately before PMQs on 7 December [actually 8 December] when the Prime Minister

144 Core evidence bundle materials, p. 70.
145 Core evidence bundle materials, p. 76.
146 Core evidence bundle materials, p. 73; see also p. 74.
147 Core evidence bundle materials, p. 71.
148 Core evidence bundle materials, p. 76.
149 Core evidence bundle materials, p. 73. For the answers referred to, see pp 70–71.
150 Rt Hon Boris Johnson (BJS0002), para 86.
151 Core evidence bundle materials, p. 75.
152 Core evidence bundle materials, p. 75.
153 Rt Hon Boris Johnson (BJS0002), paras 90, 91(3).
154 Rt Hon Boris Johnson (BJS0004), para 21.
155 Core evidence bundle materials, p. 74.
156 Core evidence bundle materials, p. 72.

> would have been preparing on his own, as he usually did. He did not welcome the interruption but told me that he had received reassurances that the comms event [i.e. the 18 December 2020 gathering] was within the Rules. I accepted this but questioned whether it was realistic to argue that all Guidance had been followed at all times, given the nature of the working environment in No. 10. He agreed to delete the reference to Guidance.[157]

148. Notwithstanding Mr Reynolds' statement that Mr Johnson had agreed to delete the reference to Guidance, we note that Mr Johnson subsequently on at least three occasions asserted in broad terms that Guidance had been followed (on 8 December 2021, 12 January 2022, and 25 May 2022; see paras 125, 129 and 131 above).

Assurances from others

149. Mr Johnson's two Parliamentary Private Secretaries (PPSs) at the time of his statements in the House in December 2021/January 2022, Sarah Dines MP and Andrew Griffith MP, submitted evidence in which they stated that assurances were given to Mr Johnson by officials.

150. Mr Griffith explained that as PPS he had attended the 'Office Meeting' usually held at 9 am in the Cabinet Room on most parliamentary sitting days. Attendees included "the Prime Minister, his Chief of Staff and their deputies, the Cabinet Secretary, the Principal Private Secretary, the Director of Communications, the PM's Official Spokesman, the Political Secretary and other civil servants and advisers". Mr Griffith stated it was probable that he had attended the daily Office Meeting on 1 and 8 December 2021 and 12 January 2022, as well as the weekly PMQs preparation session each Wednesday when Parliament was sitting.[158]

151. Mr Griffith stated that:

> In the daily Office Meeting, as newspapers initially published allegations of gatherings in No. 10, Mr Johnson was given assurances by multiple different 10 Downing Street staff present under question 2 (b) (iii) above [this was the Committee's question: "Did you at any time give Mr Johnson any assurances that […] iii) No parties were held in No. 10 during the period of Covid restrictions"]. This was a daily meeting with a varying cast list of officials and advisers, and I do not recall whom [*sic*] said this or on which precise dates. The substance (though to be clear not the precise wording) of the assurances by Downing Street staff to Mr Johnson in response to the initial articles was "*Are they kidding? We were all working our socks off during Covid – no one had time for any parties!*"[159]

152. Ms Dines stated:

> I remember on one occasion whilst I was at a meeting with Mr Johnson with many other people in the Cabinet Room that Mr Johnson asked a question of the meeting "We did follow the Rules at all times, didn't we?" I recall more than one person in the room said "Yes, of course". I am not certain who the people were who said yes, but I am certain they were civil servants, and it was more than one voice. I am about 90% sure one of them was Simon Case, the Cabinet Secretary. I am afraid I cannot recall the date of the meeting, but it was whilst these events were very much in the eye of the media. Whilst I am not sure of the date, I can say with absolute certainty that this happened. I recall thinking "Thank Goodness". I was reassured. On balance, I think this would have been around the meetings on 1–8 December 2021, and not as late as January 2022. I am sorry I am not able to be more specific.[160]

153. In regard to the evidence from Ms Dines and Mr Griffith, we note that neither witness is able to supply precise dates when assurances were given, nor to specify who gave them, except that Ms Dines is "about 90% sure" that one of them was Simon Case, the Cabinet Secretary. Mr Case himself has given evidence that he did not give Mr Johnson assurances in relation to Covid compliance during the gatherings, and does not know whether anyone else gave Mr Johnson such assurances.[161] In oral evidence, Mr Johnson said: "I don't remember being specifically assured by any senior civil servant about the Rules or Guidance within No.10." We note that the two PPSs differ as to the content of the assurances they refer to: Ms Dines refers to an assurance that Rules were followed at all times, where Mr Griffith refers to an assurance not about the Rules or Guidance being followed but that no parties were held.

154. Mr Johnson himself was questioned in oral evidence about Ms Dines's evidence. The exchange was as follows:

> Sir Bernard Jenkin: […] We have difficulty giving any credibility to the evidence we have received from Sarah Dines, albeit I am sure she gave that evidence in good faith. Have you got anything to say about that? I should give you the opportunity.
> Boris Johnson: If you are going to question her evidence, I think you need to hear it from her. I can't comment
> […]
> Sir Bernard Jenkin: Okay. If you think it is terribly important that we interrogate Sarah Dines, we will consider that point.
> Boris Johnson: No, I don't. I think it is probably totally irrelevant. I think the key point is that when I said that I had had repeated assurances, I never claimed that one of those people I had giving me those assurances was Simon Case.[162]

Mr Johnson's responses to questions about his statements

155. In oral evidence we explored with Mr Johnson various issues relating to the statements he made to the House about No. 10's compliance with Covid Rules and Guidance, and the assurances he claimed to have received from Mr Doyle and Mr Slack.

157 Core evidence bundle materials, p. 61.
158 Core evidence bundle materials, p. 68.
159 Core evidence bundle materials, p. 68.
160 Core evidence bundle materials, p. 67.
161 Core evidence bundle materials, p. 66.
162 Qq128–30.

156. Mr Johnson was asked why he told the House on 1 December 2021 that "all Guidance was followed completely in No. 10". He replied that:

> I was misremembering the line that had already been put out to the media about this event [the 18 December 2020 gathering], which was that Covid Rules were followed at all times. But you have to understand that I did not think there was any distinction from the public's point of view between the Rules and the Guidance. […] I thought that the public would expect us to follow the Guidance as much as the Rules, so even though I had said something slightly different, I still believed it was true.[163]

157. When asked why he had not corrected the record when he realised he had misspoken, Mr Johnson replied that "I didn't think there was any appreciable difference because it was our job to follow the Guidance as much as to follow the Rules".[164]

158. Mr Johnson was asked what further work had been done in No. 10 before PMQs on 8 December to look into allegations relating to gatherings, given the limited work it had been possible to do in the short time between the initial Daily Mirror enquiry and PMQs on 1 December, and in particular what he had done "to decide whether you needed to correct your previous statement that the Guidance had been followed and whether you should reaffirm it".[165]

159. Mr Johnson replied:

> When the Allegra [Stratton] video emerged on the evening of 7 December, I decided that I was getting conflicting information about what had happened at this gathering on 18 December. I was troubled by that. I had not been at the thing; I was relying on what I thought were honest and well- intentioned descriptions of this from my trusted advisers, but clearly there was a difference of opinion, so I commissioned the Cabinet Secretary to conduct an inquiry.[166]

160. Asked why, in response to the question from Catherine West on 8 December 2021 about the gathering on 13 November 2020, Mr Johnson had said that "whatever happened, the Guidance was followed and the Rules were followed at all times", he replied that in the case of that gathering, as he was there, he knew from his personal experience that the Rules and Guidance had been complied with.[167]

161. When questioned further on why he had told the House that Guidance had been followed "at all times" in No. 10, when his Principal Private Secretary, Martin Reynolds, had raised with him before PMQs on that date whether it was realistic to argue that Guidance had been followed at all times,[168] Mr Johnson stated that Mr Reynolds' advice had been limited to whether or not "perfect" social distancing was observed, and related only to the assurances Mr Johnson had received specifically in relation to the gathering on 18 December 2020.[169] Mr Johnson elaborated:

> Martin Reynolds was cautious about what I should say in the House […] I had received assurances about the Rules on 18 December, but I had not received assurances about the Guidance. […] Martin is not saying that we did not observe the Guidance […] Martin and I […] were talking about two different things. I was talking about the totality of following the Guidance; he was talking about maintaining perfect social distancing. […] it was true to say that no one had explicitly reassured me about the Guidance. He thought it prudent to take out the reference to the Guidance.[170]

162. When we asked Mr Johnson about the assurances he cited in his opening statement and in response to questions at PMQs on 8 December 2021, he confirmed that he had not sought assurances as to Covid compliance in No. 10 from the Attorney General or any other Law Officer or government legal adviser.[171] Asked whether the Cabinet Secretary, Simon Case, or any other career senior permanent civil servant had given Mr Johnson these assurances, he replied, "I don't remember being specifically assured by any senior civil servant about the Rules or Guidance within No. 10." He added, "But the interesting thing is that, to the contrary, nobody gave me any contrary advice."[172] Later being asked about Sarah Dines' statement that she was "about 90% sure" that Mr Case had given an assurance at a morning meeting, Mr Johnson noted that "[s]he is not sure", that "[f]rankly, I don't [remember]" Mr Case doing so, and that "I never claimed that one of those people I had giving me assurances was Simon Case".[173]

163. Mr Johnson was asked why he had relied on assurances from Mr Doyle and Mr Slack, rather than from permanent civil servants or government lawyers. He replied:

> The simple answer is that, when I needed to discover what had happened, and whether the Rules were broken, I went first of course to – or I asked first – the senior adviser who was there, and that was Jack Doyle. The following week, you can see that Jack Doyle says in a WhatsApp to me: "you can say 'I've been assured there was no party and no Rules were broken'". So he says that again to me. I also then rang James Slack. Both Jack, and James Slack, are people who I have the utmost regard for, and I believed they would be completely straight with me about what had happened, and they both said that the Rules had not been broken.
>
> The reason I didn't ask a lawyer or another senior civil servant was because they were the people who had been there, and they were the direct – they could give a view about the legality of that event that I

163 Q89.
164 Q90.
165 Q92.
166 Q92.
167 Q97.
168 See paragraph 147 above, and Core evidence bundle materials, p. 61.
169 Qq96-97.
170 Qq96-97.
171 Q106.
172 Q107.
173 Qq129-30.

didn't think a non – eyewitness would be able to do.[174]
164. Mr Johnson subsequently wrote to us to state that:

> In this exchange, Mr Costa incorrectly implied that James Slack was a political adviser rather than a permanent civil servant, and I failed to correct that impression. In fact, James Slack was a permanent senior civil servant as he was the Prime Minister's Official Spokesperson, appointed under Theresa May, from 10 February 2017 until 9 February 2021. However, he was no longer a civil servant or working within Downing Street in December 2021 when I spoke to him about the event on 18 December 2020.[175]

165. We note that while the position of Prime Minister's Official Spokesperson is not a politically appointed role, Mr Slack had not been a career civil servant prior to his appointment to that role; he was a journalist and had worked as political editor of the Daily Mail. We also note that Mr Johnson appointed Mr Slack to serve as his Director of Communications, a role that is a political appointment, in early 2021.
166. In the oral evidence Mr Johnson was further asked why, when the initial assurances had been given to him by Mr Doyle and Mr Slack, he did not subsequently discuss the assurances with the Cabinet Secretary, his Principal Private Secretary, or a government lawyer. Mr Johnson replied that Mr Reynolds, who had given evidence that he believed the Rules had been followed at all times, was a lawyer; and he drew attention to the evidence from Ms Dines and Mr Griffith that at a morning meeting "the view of the assembled civil servants and advisers was that, no, we hadn't broken the Rules".[176]
167. Mr Johnson was asked to name the officials who gave him assurances at the meeting or meetings referred to by Ms Dines and Mr Griffith. The following exchange occurred:

> Boris Johnson: I cannot name these officials – Alberto Costa: Name me one.
> Boris Johnson: I don't know if I can. I think that – Alberto Costa: Why not?
> Boris Johnson: I think that most of them have indicated they don't want to be named, and
> Chair: Are you not naming them because you can't remember their names or because you don't want to breach their anonymity? […]
> Boris Johnson: There is at least one adviser that I can think of who has asked not to be named. She would have been in the morning meeting, and I don't want to
> Alberto Costa: Could you follow that up in writing through your lawyers to the inquiry, confirming the name of the individual that you recall gave you the assurance at the meetings referred to by these two MPs?
> Boris Johnson: Yes, but if I may say so, Mr Costa, I don't quite follow the direction of your questions. It is clear from what I have said that I was assured repeatedly by different people and on different occasions that the Rules had been followed.
> Alberto Costa: And we are trying to ascertain who these individuals were, so it would be very helpful if you could follow up with the individual that you have just referred to.
> Boris Johnson: Okay.[177]

168. Mr Johnson gave the above undertaking, to supply further information about an adviser who gave an assurance but did not wish to be named, at the oral evidence session on 22 March. On 27 March Mr Johnson's lawyers wrote to us as follows:

> As is clear from the transcript, at Mr Costa's invitation, Mr Johnson thought of an official who was in the morning meetings referred to by Andrew Griffith MP and Sarah Dines MP in their evidence to the Committee. However, he did not say that he knew precisely who was in each meeting and who specifically gave him the assurances remembered by the MPs. On reflection, Mr Johnson is still not sure of these matters and does not wish to speculate.[178]

169. Mr Johnson's lawyers continued:

The Committee has evidence from Jack Doyle, Andrew Griffith MP and Sarah Dines MP that Mr Johnson was provided with assurances about the event on 18 December 2020 by officials at these meetings. Therefore, irrespective of the identities of those officials, there can be no dispute that (i) assurances were received from Jack Doyle and James Slack; (ii) three witnesses have given evidence that Mr Johnson received assurances in at least one of the PMQ prep meetings; and (iii) Mr Johnson was given assurances by more than one person and on more than one occasion.[179]

Purported assurances: conclusions

170. On 1 December 2021 Mr Johnson asserted in the House, based on the assurances he had received in relation to the event on 18 December 2020, that "all guidance was followed completely in No. 10". He has subsequently acknowledged that he should have said "rules" rather than "guidance", and said that he did not correct the record because he did not think the public made any distinction between Rules and Guidance.[180] However, the distinction between Rules (which were legally enforceable) and Guidance (which was not, but which related to important matters not covered by the rules such as social distancing) is important – as Mr Johnson, who had been making almost daily announcements to the nation about the Covid Rules and Guidance, would have been well aware. This was therefore a significant error: Mr Johnson had an opportunity to correct it through one of the means available to Ministers to correct such errors, but he never did so.
171. Had Mr Johnson asserted that "all Rules were followed completely in No. 10" in relation to the 18 December 2020 gathering, that

174 Q109.
175 Rt Hon Boris Johnson (BJS0003), para 6.
176 Q110.
177 Qq112-17.
178 Additional evidence materials, p. 12.
179 Ibid.
180 See paragraphs 156 to 157above.

would have been in accord with the "line to take" developed by the No. 10 Director of Communications, Jack Doyle, the previous evening, in response to advance notice of the story about to break in the Daily Mirror. We accept that this line was prepared under pressure of time and that it would probably have been unrealistic in the time available before PMQs on 1 December for the No. 10 staff to make an authoritative assessment of whether the Rules and Guidance had been complied with at the 18 December 2020 gathering. It would however have been open to Mr Johnson to tell the House that he had commissioned, or planned to commission, such an assessment, rather than categorically assert that either the Guidance or the Rules had been followed completely. Mr Johnson did not attend this gathering and therefore claims he was dependent on receiving assurances from others that Rules had been complied with. If, as we have concluded, Mr Johnson was likely to have been aware of the gathering, having personal knowledge of it as he returned to the stairs leading up to his flat a few metres away, then his claim that he was dependent on assurances was misleading and disingenuous to the point of being deliberately misleading.[181]

172. At PMQs on 8 December 2021 Mr Johnson asserted in the House, after referring to the video of No. 10 Press Secretary Allegra Stratton talking about the 18 December 2020 gathering which had appeared on ITV News the previous day, that "I repeat that I have been repeatedly assured since these allegations emerged that there was no party and that no Covid rules were broken. That is what I have been repeatedly assured."[182] On two further occasions in this session of PMQs Mr Johnson iterated that he had been "repeatedly assured that the rules were not broken".[183] Asked whether there had been a party in No. 10 on 13 November 2020, Mr Johnson replied, "No, but I am sure that whatever happened, the guidance was followed and the rules were followed at all times".[184]

173. It is not in dispute that Mr Johnson received assurances in advance of PMQs on 1 December 2021 from Jack Doyle, Director of Communications at No. 10, and in advance of PMQs on 8 December 2021 from James Slack, Mr Doyle's predecessor in that role. In addition to Mr Johnson's evidence, Mr Doyle and Mr Slack in their evidence confirm this.[185]

174. In addition, Sarah Dines MP and Andrew Griffith MP, Mr Johnson's PPSs at the time, stated in evidence that assurances were given to Mr Johnson by officials at one of the 'morning meetings' in advance of PMQs. However, neither Ms Dines nor Mr Griffith can remember the exact date of the meeting or meetings, nor can they specify which individuals gave these assurances, other than that Ms Dines is "about 90% sure" that one of them was Simon Case, the Cabinet Secretary, and each remembers the content of the assurances differently. Mr Case himself has given evidence that he did not give an assurance to Mr Johnson and does not know that anyone else did. Mr Johnson himself told us that he does not claim Mr Case gave him an assurance.[186]

175. When asked in oral evidence to identify any official who had given him an assurance at one of the morning meetings, Mr Johnson was unable to do so other than to undertake to send the Committee details of "one adviser that I can think of who has asked not to be named". His lawyers later wrote to us that "[o]n reflection, Mr Johnson is still not sure of these matters and does not wish to speculate".[187] On this matter we conclude that either Mr Johnson was being deliberately evasive with the Committee or that he has deliberately failed to abide by his undertaking to be candid about an important issue of fact.

176. The only assurances that can therefore be said with certainty to have been given to Mr Johnson were those from his then Director of Communications, Mr Doyle, and his previous Director of Communications, James Slack. Both men were concerned chiefly with media-handling and both were, at different times, political appointees of Mr Johnson in that role. Mr Slack had previously been appointed Downing Street Press Secretary by Theresa May, but his overall career arc– having been political editor of the Daily Mail before coming to work for the Government, and having moved on subsequently to work as a political correspondent on The Sun-suggests that, as with Mr Doyle, it would be incorrect to see his role at No. 10 as that of a politically neutral career civil servant, or someone with the necessary competence to judge on matters of Covid compliance.

177. It was understandable, given the timing, that Mr Johnson's initial comments in the House on 1 December 2021 were heavily reliant on the advice of his media team at No. 10. However, by the time of the next PMQs on 8 December, following a period in which the issue of gatherings at No. 10 had continued to dominate the news media, he had had a further week to reflect on the answers he had given and to seek more solid, legally based and authoritative assurances including from government lawyers or permanent career civil servants such as the Cabinet Secretary. In the event he chose not to do so, but to double down on the answers he had given earlier.

178. Asked why he had not sought advice from government lawyers, Mr Johnson stated that Jack Doyle and James Slack were "the people who had been there, and they were the direct – they could give a view about the legality of that event that I didn't think a non – eyewitness would be able to do".[188] In his written evidence, Mr Johnson likewise argues that "it was reasonable for me to find out what had happened from the people who were actually there".[189] Neither Mr Doyle or Mr Slack, of course, were professionally qualified to adjudicate on the legality of the proceedings they had witnessed.

179. We have already addressed, in paragraphs 103 to 108 above, Mr Johnson's argument that the Committee should give significant weight to an absence of evidence that he received advice that Rules and Guidance were broken in No. 10.

180. The overall thrust of Mr Johnson's evidence to the Committee has been to downplay the significance and narrow the scope of the assertions he made to the House. He has argued that (a) the assurances he referred to related only to one gathering, that on 18 December 2020, and were correct in relation to that gathering; (b) his assertions to the House relating to assurances about Covid compliance were only in respect of the Rules, not the Guidance; and (c) when he referred three times to

181 See paragraph 83 above.
182 See paragraph 122 above.
183 See paragraphs 123 and 124 above.
184 See paragraph 125 above.
185 See paragraphs 137 to 144 above.
186 See paragraphs 149 to 154 above.
187 See paragraph 168 above.
188 Q109.
189 Rt Hon Boris Johnson (BJS0002), para 99.

having repeatedly been assured about compliance, by "repeatedly" he meant "on more than one occasion and by more than one person".

181. The problem with Mr Johnson's attempts to portray his assertions to the House as narrow in scope is that this interpretation is directly at odds with the overall impression Members of the House, the media and the public received at the time from Mr Johnson's responses at PMQs. The message which Mr Johnson clearly meant to convey was that Rules and Guidance at No. 10 had been complied with at all times. Indeed, Mr Johnson initially asserted that Guidance had been complied with when he had meant to say Rules, and rather than correcting what he now admits to have been an error, subsequently reiterated this assertion despite having been advised by his Principal Private Secretary not to make this claim. He was content to convey the impression that the events (plural) against which allegations had been made were in fact "non-events", and, to paraphrase, that it was nonsense to suggest that the rule- makers at the heart of government were also rule-breakers.

182. The impression the House would have taken, and we conclude, would have been intended to take, from Mr Johnson's repeated references to assurances was that those assurances had been overarching and comprehensive, and to be given great weight. In fact, as we have seen, the only assurances that we can be certain were given to Mr Johnson were arrived at in haste based on a press "line to take", were not subject to investigation before either session of PMQs, and did not emanate from senior permanent civil servants or government lawyers but from two media advisers and were based only on their personal recollections. Although Mr Johnson claimed several times to have been given the assurances "repeatedly", in evidence to us he scaled down that claim by arguing that by "repeatedly" he had meant "on more than one occasion" (so possibly only twice).

183. Mr Johnson's attempt in his evidence to us to claim that his assertions at PMQs were narrow in scope amounts to ex post facto justification and was clearly not the message he intended to convey at the time. As an ex post facto justification, it is false. Mr Johnson's failure to seek adequate assurances has also to be seen in the context of his direct personal experience of non-compliance with Covid Rules and Guidance at a series of gatherings which he attended or was aware of, as detailed earlier in this report.

4 Misleading the House

184. The House's resolution of 21 April 2022 cited some of Mr Johnson's answers at PMQs on 1 and 8 December 2021 as "appear[ing] to amount to misleading the House", and referred the matter of Mr Johnson's conduct to us to consider whether it amounted to a contempt.[190]

185. Mr Johnson himself, in the aftermath of the police issuing of Fixed Penalty Notices and the publication of the Sue Gray report in May 2022, has accepted that the House was misled. He told us in oral evidence:

> There was a near-universal belief at No. 10 that the rules and guidance were being complied with. That is the general belief that […] governed what I said in the House. As soon as it was clear that I was wrong, and as soon as the Sue Gray investigation and the Metropolitan Police investigation had concluded, I came to the House of Commons and I corrected the record, as I promised I would.[191]

186. The question we consider in this section of our report is whether the House may have been misled in ways which go beyond those which Mr Johnson has acknowledged. In our Fourth Report, containing a summary of issues we intended to raise with Mr Johnson in his oral evidence, we set out "evidence that the House of Commons may have been misled in the following ways which the Committee will explore".[192] We now revisit that section of the Fourth Report in the light of the full evidence we have taken in the inquiry. In our opinion the House was misled in each of the ways we listed. We set out below each category of misleading with a reference to the paragraphs in the present report which deal with it (and some further comments where appropriate). We then consider a number of further instances in which Mr Johnson may have been disingenuous with the House and with us.

187. We also consider the issue of Mr Johnson's correction of, or failure to correct, the parliamentary record. In paragraph 110 of his written evidence, Mr Johnson states: "I believe that my statement to the House of Commons on 25 May 2022,[193] the publication of the Sue Gray report and its placing in the Library of the House of Commons, constituted a full correction of my honest but inadvertently misleading statements". In paragraph 108, he argues that his statement in the House on 25 May 2022 "was the earliest opportunity at which I could make the necessary correction". When asked during oral evidence on 22 March 2023 whether he wished to reassert that guidance had been followed at all times when he was present at gatherings to wish staff farewell, Mr Johnson maintained that "I see no reason to withdraw what I said on 25 May", and that he did not wish to correct the record.[194]

Misleading: conclusions

188. Using the categories of misleading set out in paragraph 32 of the Fourth Report, we conclude that:

a) Mr Johnson misled the House when he said on 1 December 2021 that all Guidance was followed completely in No. 10, when he said on 8 December 2021 that the Rules and Guidance were followed at all times, on 12 January 2022 when he said that events at No. 10 were within the Rules and Guidance, and on 25 May 2022 when he said that the Rules and Guidance had been followed at all times when he was present at gatherings to wish staff farewell. See paragraph 117.
b) Mr Johnson misled the House when he failed to tell the House

190 See paragraphs 1 and 2above.

191 Q3.

192 Committee of Privileges, Fourth Report of Session 2022–23, Matter referred on 21 April 2022: summary of issues to be raised with Mr Johnson (HC 1203), published 3 March 2023, para 32

193 See paragraph 131 above

194 Qq149-153.

about his own knowledge of the gatherings where the Rules or Guidance had been broken. See paragraphs 23 to 94.

c) Mr Johnson misled the House when he said on 8 December 2021 that he relied upon repeated assurances that the rules had not been broken. There is evidence that Mr Johnson was assured by two individuals who had worked at No. 10 at the time that they did not think the gathering of 18 December 2020 had broken Covid rules – see paragraphs 136 to 144, and 176. However, we conclude that:

i) Mr Johnson had personal knowledge about gatherings which he should have disclosed. See paragraphs 23 to 94.

ii) Mr Johnson concedes that there was no assurance about any gathering's compliance with the guidance that was in place at the time (as opposed to compliance with the Covid rules), yet Mr Johnson gave the House the impression that those assurances had been overarching and comprehensive in respect of No. 10's compliance with all Covid measures. See paragraphs 144, 146, 161, and 180 to 183.

iii) The purported assurances were only about the gathering of 18 December 2020, not more generally about No. 10's compliance with the Rules and Guidance, yet Mr Johnson gave the House the impression that those assurances had been overarching and comprehensive in respect of No. 10's compliance with Covid measures across the whole period of restrictions. In particular, we have received no evidence that any specific assurance was provided in relation to the gatherings of 20 May 2020, 19 June 2020, 13 November 2020, 27 November 2020 and 14 January 2021 which we have examined in detail. See paragraphs 145, and 180 to 183.

iv) The context for the initial purported assurance was in response to a media inquiry and the assertion that Covid rules were followed was initially developed in haste, and without further investigation, as a media line to take. They were therefore not appropriate for Mr Johnson to cite as an authoritative indication of No. 10's compliance with Covid measures. See paragraphs 137 to 141.

v) The only two purported assurances for which there is firm evidence did not emanate from senior permanent civil servants or government lawyers but from two media advisers, one of whom was a personal political appointment by Mr Johnson. The purported assurances consisted only of what those individuals themselves believed about the compliance of the gathering of 18 December 2020 with the Rules. They were therefore not appropriate to be cited as an authoritative indication of No. 10's compliance with Covid measures. See paragraphs 139 to 144, 163 to 165, and 176 to 178.

d) Mr Johnson misled the House when he gave the impression that there needed to be an investigation by the Second Permanent Secretary to establish whether the rules and guidance had been broken before he could answer questions to the House. While repeatedly making that statement to the House, he had personal knowledge that he did not reveal. See paragraphs 23 to 94, and 127.

e) We additionally find that Mr Johnson misled the House when he purported to correct the record on 25 May 2022. We have concluded above that his statement on that date that the Covid Rules and Guidance were followed while he was in attendance at farewell gatherings at No. 10 was misleading. As such, it represented a continuation of his previous misleading of the House, and seeking to present it as a correction was itself misleading. His insistence on the truthfulness of this statement in his written evidence, and his refusal to correct the record when invited to do so during his oral evidence on 22 March 2023, is a further misleading. See paragraphs 131 and 187.

189. We further conclude that Mr Johnson has been disingenuous with the Committee in ways which amount to misleading, as follows:

f) By adopting a narrow and restricted interpretation of the assertions he gave to the House in PMQs on 1 and 8 December 2021 which is at odds with the general impression he clearly wished to give in the House that all Rules and Guidance at No. 10 had been followed at all times. See paragraphs 180 to 183.

g) By claiming that when he referred to having been repeatedly assured, by "repeatedly" he had meant merely "on more than one occasion". We note that this is contrary to common English usage. It is clear that when Mr Johnson used the term "repeatedly" at PMQs, he wished his audience to suppose that there had been multiple occasions at which assurances had been given, rather than merely more than one, and, as suggested by our evidence, possibly as few as two. See paragraph 134.

h) By undertaking to provide the Committee with the name of another person who had provided assurances, and then failing to do so. See paragraphs 167 to 169.

i) By stating at the oral evidence session that the Committee had withheld from publication "the evidence that I rely on, which answers the charges" and "a large number of extracts which I rely upon in my defence", but then, when the Committee had facilitated the production of that evidence accompanied by statements of truth, failing to make any use of it in his subsequent final submission. This strongly suggests that Mr Johnson did not "rely on" the evidence at all but was simply using it as a gambit to criticise the Committee in the public hearing. See paragraph 220.

j) By advancing an unsustainable interpretation of Guidance in order that he can deny the implications of the evidence showing a lack of social distancing. See paragraphs 99 to 102, and 115 to 116.

k) By being unable to deny that he said the words "probably the most unsocially distanced gathering in the UK right now" while not admitting that he said them, which has the ring of avoidance about it. See paragraphs 68 to 69.

Was it a contempt?

190. We have set out above the evidence which leads us to conclude that Mr Johnson misled the House. The House has instructed us to consider whether Mr Johnson's conduct in this matter amounted to a contempt.

191. In considering the concept of contempt we are indebted to a help-

ful note on the subject by the Clerk of the Journals which we published as an annex to our Second Report and which sets out the relevant background in greater detail than we have scope to do here.[195]
192. Erskine May defines a contempt as follows:

> Any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of their duty, or which has a tendency, directly or indirectly, to produce such results, may be treated as a contempt even though there is no precedent of the offence.[196]

193. May concludes:

> It is therefore impossible to list every act which might be considered to amount to a contempt, as Parliamentary privilege is a 'living concept'.[197]

194. The House agreed in 1978 that "in general the House should exercise its penal jurisdiction: (i) in any event as sparingly as possible, and (ii) only when satisfied that to do so was essential in order to provide reasonable protection for the House, its Members or its officers from improper obstruction or attempt at or threat of obstruction causing, or likely to cause, substantial interference with the performance of their respective functions."[198]
195. As the Clerk of the Journals points out, this means that cases are relatively rare, and while Committees have sometimes tried to draw out principles from precedent, they do not consistently do so.[199] Ultimately in each case it is up to the Committee of Privileges to determine:

l) whether the conduct complained of is a contempt, and has reached the necessary bar set by the House;
m) the degree of culpability of the contemnor.[200]

196. We have no difficulty in concluding that Mr Johnson's misleading of the House has "obstructed or impeded the House in the performance of its functions". A core function of the House is scrutiny of the Executive. A Minister who gives the House false information from the Despatch Box is impeding its ability to carry out its essential task scrutiny. As the Clerk of the Journals notes, "misstatements by Ministers are inherently likely to obstruct or impede the House".[201] Misstatements by the Prime Minister, at the apex of the governmental system, are even more likely to do so.

197. In the present case the potential impact on Parliament's ability to scrutinise the Executive was of no minor or trivial kind. For the House to be given misleading information about the conduct of Ministers and officials at the highest level of Government, in the midst of the grave national emergency represented by the Covid-19 pandemic, and in relation to how far those Ministers and officials were observing the severe restrictions which they were instructing the public at large to follow, is a matter of great seriousness.
198. We have given very careful consideration to the question of whether Mr Johnson misled the House recklessly or intentionally. He himself told us that:

> I am here to say to you, hand on heart, that I did not lie to the House. When those statements were made, they were made in good faith, and on the basis of what I honestly knew and believed at the time.[202]

199. Mr Johnson argues that whether or not the Covid Rules and Guidance were breached at gatherings he attended, or was aware of, at No. 10 (and he continues to maintain in the case of the six gatherings we investigated that they were not breached), he himself, along with many others at No. 10, genuinely believed they were complying with the Rules and Guidance.
200. To a great extent this defence depends on whether Mr Johnson genuinely believed that the gatherings were work events that satisfied the criteria in the Rules that such events be (before June 2020) "essential for work purposes" or (from June 2020) "reasonably necessary for work purposes", and the criteria in the Guidance that, if social distancing cannot be observed, such an event "needs to continue for the business [or organisation] to operate". We have noted that Mr Johnson was not willing to say that, if asked, he would have advised the general public that work events intended solely to raise morale satisfied these criteria. We have set out, at paragraph 117 above, our conclusion that it is "unlikely on the balance of probabilities that Mr Johnson, in the light of his cumulative direct personal experience of these events, could have genuinely believed that the Rules or Guidance were being complied with".
201. We have also set out, in paragraphs 188 to 189 above, a list of ways in which we consider Mr Johnson has misled the House or been disingenuous in his responses to our inquiry. His personal knowledge of breaches of the rules and guidance, combined with his repeated failures pro-actively to investigate and seek authoritative assurances as to compliance issues, amount to a deliberate closing of his mind or at least reckless behaviour. We find it highly unlikely that Mr Johnson having given any reflection to these matters could himself have believed the assertions he made to the House at the time when he was making them, still less that he could continue to believe them to this day. Someone who is repeatedly reckless and continues to deny that which is patent is a person whose conduct is sufficient to demonstrate intent. Many aspects of Mr Johnson's defence are not credible: taken together, they form sufficient basis for a conclusion that he intended to mislead.

195 Committee of Privileges, Second Report of Session 2022–23, Matter referred on 21 April 2022: proposed conduct of inquiry (HC 632), published 21 July 2022, Annex 3 (Paper from the Clerk of the Journals: The definition of contempt).
196 Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament, 25th ed. (2019), paragraph 15.2.
197 Ibid.
198 Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament, 25th ed. (2019), paragraph 15.32.
199 Second Report, Annex 3, para 2.
200 Second Report, Annex 3, para 5.
201 Second Report, Annex 3 para 28.
202 Q3.

202. We conclude that in deliberately misleading the House Mr Johnson committed a serious contempt.

Recommended sanction

203. It is ultimately for the House, not the Committee of Privileges, to determine whether a contempt has been committed, and if so what sanction, if any, to impose. To assist the House in this duty, if the House concurs that Mr Johnson committed a serious contempt, we have considered what sanction would be appropriate.
204. In serious cases the House has the right to suspend a Member, or withhold their salary, or expel them. These sanctions require the explicit approval of the House on the basis of a motion. The House is thus the decision-maker in terms of punishment of a Member for contempt, just as only the House itself can finally determine whether a contempt has actually been committed. The role of the Committee is therefore to carry out a delegated power of investigation and to report its findings to the House, with recommendations for action where appropriate. Motions to implement sanctions recommended by the Committee (unlike those recommended by the Committee on Standards or the Independent Expert Panel) are amendable and debatable.
205. The standing orders of the House do not set out a list of sanctions which the Committee may recommend. In deciding on its recommendations the Committee will be guided by precedent wherever possible and appropriate. There are few relevant precedents. Erskine May makes clear that the House may punish acts or omissions for which there is no precedent as long as they fall within the definition of contempt.[203]
206. In addition to sanctions imposed in cases of contempt following Privileges Committee investigations, sanctions may also be imposed in cases considered by the Standards Committee where Members are found to have breached the Code of Conduct. In recent years the Standards Committee has taken steps to codify the use of sanctions in such cases. Breaches of the Code by Members may be regarded as being contempts, although they are dealt with under separate procedures set up by the House. As the intertwined history of the Privileges and Standards Committees indicates, there is considerable overlap between contempts and misconduct. It is therefore legitimate for the Privileges Committee, in considering sanctions, to take account of Standards Committee practice, while making allowance for differences as well as similarities between standards and privileges.
207. Based on precedent, or by analogy with the Standards Committee's practice, the following options are available to the Privileges Committee in cases of contempt by a Member:

n) No further action.
o) Requiring an apology in writing, which would normally be published, or on the floor of the House by means of a point of order or a personal statement.
p) Recommending admonition or reprimand.
q) Recommending withholding of a Member's salary or allowances for a specified period, even if the Member has not been suspended.
r) Recommending suspension from the service of the House for a specified period (during which time the Member receives no salary and must withdraw from the precincts of the House).
s) Recommending expulsion from the House.

208. We note that suspension from the House for 10 days or longer following a report from the Committee of Privileges engages the provisions of the Recall of MPs Act 2015, requiring a recall petition to be opened in the Member's constituency.[204] There are no precedents for the Committee of Privileges recommending a sanction against a Member since this Act came into force.
209. There are no formal criteria for imposing sanctions in privileges cases. In 2020 the Standards Committee published a list of aggravating and mitigating factors it would take into account in Code of Conduct cases.[205] We have taken them into account. We have concluded above that in deliberately misleading the House Mr Johnson committed a serious contempt. The contempt was all the more serious because it was committed by the Prime Minister, the most senior member of the government. There is no precedent for a Prime Minister having been found to have deliberately misled the House. He misled the House on an issue of the greatest importance to the House and to the public, and did so repeatedly. He declined our invitation to reconsider his assertions that what he said to the House was truthful. His defence to the allegation that he misled was an ex post facto justification and no more than an artifice. He misled the Committee in the presentation of his evidence.
211. Having taken into account the factors set out above, we considered what sanction would be appropriate in this case. We unanimously concluded that the minimum sanction we should recommend to the House should be suspension from the service of the House sufficient to engage the provisions of the Recall of MPs Act.
212. In agreeing to recommend that sanction, we took into account that this case will set a precedent for the standards of accountability and honesty that the House expects of Ministers. We have no doubt that Parliament and the public expect the bar to be set high and for there to be serious consequences if a Minister, as in this case, impedes or obstructs the functioning of the House by deliberately misleading it.
213. Having reached this provisional conclusion as to the recommended sanction, we then followed the procedure we had set out in our procedure resolution, and communicated to Mr Johnson the Committee's proposal to recommend a sanction of suspension for a period long enough to engage the provisions of the Recall of MPs Act, inviting his comments. This material was sent to Mr Johnson under conditions of strict confidentiality.[206] We set out the events that followed, and our

203 Erskine May, 25th ed. (2019), paragraph 11.19.

204 See Second Report, paras 12–14 and Appendix, for Mr Speaker's ruling that approval by the House of a motion following a report from the Privileges Committee has the same effect for these purposes of one following a report from the Standards Committee.

205 Committee on Standards, Seventh Report of Session 2019–21, Sanctions in respect of the conduct of Members (HC 241), published 21 July 2020, p23 (Table 1: Aggravating and mitigating factors).

206 Those conditions were set out in the Chair's "warning letter" of 8 June 2023 as follows: "The enclosed document is confidential to Mr Johnson and his nominated legal advisers. It is protected by Parliamentary privilege and may not be disclosed to any other person or body. Publication, précis or quotation in any form will be

view of their implications for sanctioning Mr Johnson, in the next section of this report.

5 Mr Johnson's resignation as an MP and his attack upon the Committee

Mr Johnson's resignation

214. The procedure adopted by the Committee stated that "If the Committee intends to criticise Mr Johnson or any other individual or body it will first send a warning letter," and that "if an allegation is determined against Mr Johnson, [the letter will] state the Committee's recommendation as to sanction, if any, and invite his submission on the sanction recommended."[207] On Thursday 8 June 2023 we sent by email to Mr Johnson's solicitors the Chair's warning letter, and immediately despatched by hand a single hard-copy document containing extracts from the Committee's provisionally agreed draft report, for inspection by Mr Johnson and his nominated legal advisers under secure invigilated conditions. Each page of this document was marked as follows:

PRIVILEGED AND IN STRICT CONFIDENCE – FOR THE USE OF MR JOHNSON AND HIS NOMINATED LEGAL ADVISERS ONLY

It is a contempt of the House to reveal the contents of this document. There are no other physical copies of the document in existence and the document is only made available for inspection under invigilated conditions. It must not be copied. The Committee of Privileges will consider final submissions about the content of the document before it publishes its final report to the House.

215. Within 24 hours of receiving our warning letter, on Friday 9 June 2023, Mr Johnson announced his intention to resign as an MP with immediate effect, broke the confidentiality of the process by revealing the contents of the warning letter and linked material, and attacked the Committee.
216. In his public statement, Mr Johnson impugned the Committee, the integrity of its members, and the impartiality of its staff and advisers, stating:

> They have still not produced a shred of evidence that I knowingly or recklessly misled the Commons.
> They know perfectly well that when I spoke in the Commons, I was saying what I believed sincerely to be true and what I had been briefed to say, like any other minister. […]
> Their purpose from the beginning has been to find me guilty, regardless of the facts. This is the very definition of a kangaroo court.
> […] The Committee's report is riddled with inaccuracies and reeks of prejudice, but under their absurd and unjust process, I have no formal ability to challenge anything they say.
> The Privileges Committee is there to protect the privileges of Parliament. That is a very important job. They should not be using their powers – which have only been very recently designed – to mount what is plainly a political hit job on someone they oppose.
> It is in no one's interest […] that the process the Committee has launched should continue for a single day further.
> I am bewildered and appalled that I can be forced out, anti-democratically, by a committee chaired and managed, by Harriet Harman, with such egregious bias.[208]

217. Mr Johnson is wrong to describe the Committee and its powers as very recently designed. The powers of the Committee and the inquisitorial process it follows are the same as those enjoyed by equivalent committees for many years. It has been commonplace, although not invariable, for the oath to be administered to those appearing in privilege cases, particularly in a case such as this one which raised very serious issues. The Committee (and its precursors) does not have power to hear Counsel – that would be to adopt a court-like process.
218. In order to ensure fairness to Mr Johnson, the Committee took the additional step of appointing Rt Hon Sir Ernest Ryder, former Senior President of Tribunals and former Lord Justice of Appeal, to advise on the fairness of the process. (Sir Ernest had previously carried out a review of fairness and natural justice in the House's standards system.[209]) The Committee has been advised on these matters by the House's impartial legal and procedural advisers, particularly Speaker's Counsel and the Clerk of the Journals. The Committee has had the support of the independent Clerks' team which has shown unparalleled commitment to the House and our democracy.
219. Given the significance of this inquiry, the Committee agreed an explicit resolution on procedure, in order to ensure fairness to Mr Johnson. This stipulated:

- Oral evidence would be given on oath, and written evidence accompanied by a statement of truth; i.e. the Committee would not rely on anything other than evidence that the giver had expressly affirmed to be true;
- Mr Johnson would be furnished with the evidence on which the Committee intended to rely;
- Witnesses could be accompanied by one or more legal advisers;
- A warning letter would be sent if the report contained criticisms, including an indication on sanction, so that further submissions could be made.

220. In practice, the Committee was still more generous to Mr Johnson. Mr Johnson and his lawyers were provided not just with the evidence on which the Committee was proposing to rely, but with all the material the Committee received so that he had the opportunity to seek his own evidence if desired. At Mr Johnson's request, the Com-

reported to the House as a contempt. No copies of the document exist. It may not be copied or photographed and must be viewed in invigilated conditions as agreed with the Committee."

207 Second Report, Matter referred on 21 April 2022: Proposed conduct of inquiry, HC 632, Annex 1.

208 The full text of Mr Johnson's statement is set out at Appendix 3.

209 Committee on Standards, Sixth Report of Session 2021-22, Review of fairness and natural justice in the House's standards system (HC 1183), published 4 March 2022.

mittee actively sought evidence accompanied by statements of truth from those Mr Johnson considered might have evidence which would be helpful to him. Mr Johnson was given time to make further written submissions. We have taken great care over the publication of the material in this inquiry, since it contains details about many junior civil servants and others which, though disclosed to Mr Johnson, does not need to be released publicly.

221. Mr Johnson's incorrect assertion that the Committee's powers are new, and its procedures unfair, is a continuation of a pattern of statements which are bald expressions of opinion without justification.

222. At the time we wrote to Mr Johnson, we had come to no final conclusions, since we awaited his response. In making his statement when he did, Mr Johnson knew that the Committee would be unable to make a substantive response until it had completed its inquiry, and his assertions would be unchallenged. We note that Mr Johnson does not merely criticise the fairness of the Committee's procedures; he also attacks in very strong, indeed vitriolic, terms the integrity, honesty and honour of its members. He stated that the Committee had "forced him out […] anti-democratically". This attack on a committee carrying out its remit from the democratically elected House itself amounts to an attack on our democratic institutions. We consider that these statements are completely unacceptable. In our view this conduct, together with the egregious breach of confidentiality, is a serious further contempt.

223. We further note that these latest developments cast a new light on some of Mr Johnson's previous comments and behaviour. We draw attention in paragraph 15 above to the attacks mounted on the Committee in the media, and by some politicians, during the course of the inquiry, couched in terms of personal abuse of the Committee's members. In public Mr Johnson held himself aloof from these attacks. When we questioned him about the attacks in the oral evidence session, he told us that he deprecated the use of language such as "kangaroo courts" and "witch hunts". A matter of days after the evidence session, on 30 March 2023, Mr Johnson wrote to each individual member of the Committee. In his letter, which we print as Appendix 2 to this report, Mr Johnson stated:

> At the end of the session, Sir Charles and Mr Costa asked me a series of questions regarding comments that have been made about the Committee's work being a "witch hunt" or a "kangaroo court". Having reviewed the transcript, I am concerned that, at the end of what had been a long hearing, I was not emphatic enough in the answers that I provided. As I hope I made clear in those answers, I have the utmost respect for the integrity of the Committee and all its Members and the work that it is doing.

224. Notwithstanding his protestations of respect for the Committee, and his earlier deprecation of language such as "kangaroo courts" and "witch hunts", we note that in his statement of 9 June Mr Johnson himself used precisely those abusive terms to describe the Committee. This leaves us in no doubt that he was insincere in his attempts to distance himself from the campaign of abuse and intimidation of committee members. This in our view constitutes a further significant contempt.

225. Nevertheless, on Sunday 11 June, at 6.59 pm, Mr Johnson's lawyers contacted the Clerk of the Committee with the following message:

> I can confirm that Mr Johnson will be responding to the warning letter by 22 June 2023 in accordance with paragraph 11 of the Resolution on Procedure. I would be grateful if you could acknowledge receipt of this message and confirm that the Committee will consider Mr Johnson's response, in accordance with paragraph 12 of the Resolution on Procedure, before reporting to the House.

226. On 12 June 2023 at 11.57 pm Mr Johnson's lawyers delivered to the Committee a further purported response to our warning letter of 8 June. We have considered its contents even though we are not obliged to do so. The response was not accompanied by a statement of truth from Mr Johnson. The response makes a series of tendentious accusations. The document is reproduced in full at Annex 3 together with our comments on each paragraph.

227. Before his latest purported submission we had decided to treat Mr Johnson's public statement made on 9 June in response to our warning letter as his response to that letter and his last submissions to this inquiry. We note that on 9 June Mr Johnson stated that "[i]t is in no one's interest […] that the process the Committee has launched should continue for a single day further." We agree with Mr Johnson's view on that point.

228. Contrary to Mr Johnson's assertions, he has been given multiple opportunities to set out his views and to comment on the evidence in the inquiry:

- We set out in detail the evidence and the issues to be raised with him in our Fourth Report published on 3 March 2023.
- We disclosed to Mr Johnson in unredacted form all the evidence we proposed to rely upon and the identity of all our witnesses.
- At the start of the inquiry, in July 2022, Mr Johnson was invited to make an initial submission in writing concerning the allegations and to identify any witnesses that he believed could give relevant evidence. He did not make such a submission or identify any witnesses.
- Mr Johnson was invited to give oral evidence and publish a written statement, which he did and was questioned about the evidence and issues raised in the Fourth Report.
- Mr Johnson was invited to make final submissions in the inquiry and did so.
- Mr Johnson was sent details of our proposed criticisms of him, and the evidence supporting them, on 8 June 2022, and invited to respond.
- None of the evidence which we relied on in the material sent to Mr Johnson on 8 June was new to Mr Johnson. It was the same as that which was put to him in the Fourth Report and in the oral evidence session. He had the opportunity to respond to that in oral evidence and by written submission and he did.
- In his oral evidence Mr Johnson accused the Committee of suppressing evidence which would be helpful to him. We invited him to identify any such evidence. The Committee obtained

that evidence from the witnesses he had indicated, supported by statements of truth. In the event he placed no reliance on it. The clear implication is that there was nothing in the evidence and his criticism in public was a cynical attempt to manipulate Member and public opinion.

229. Our final conclusion is in relation to sanction. Although Mr Johnson's resignation as an MP renders it impossible for a sanction of suspension to be imposed, we draw attention to the fact that before the events of Friday 9 June we had provisionally agreed to recommend a suspension long enough to engage the provisions of the Recall of MPs Act. In the light of Mr Johnson's further contempts, we put on record that if he had not resigned his seat, we would have recommended that he be suspended from the service of the House for 90 days for repeated contempts and for seeking to undermine the parliamentary process, by:

- Deliberately misleading the House
- Deliberately misleading the Committee
- Breaching confidence
- Impugning the Committee and thereby undermining the democratic process of the House
- Being complicit in the campaign of abuse and attempted intimidation of the Committee.

In view of the fact that Mr Johnson is no longer a Member, we recommend that he should not be granted a former Member's pass.

Conclusions and recommendations

Gathering on 20 May 2020

1. We conclude that, on the basis of the evidence we have received, some senior No. 10 officials were concerned about the social nature of the 20 May 2020 gathering and were reluctant for it to go ahead. It is not clear whether those concerns were raised with Mr Johnson at the time. The social nature of the gathering was indicated by the high number of people invited, with some attendees from outside No. 10 as well as Mr Johnson's wife (who we consider it is obvious cannot be described as an "absolutely necessary participant"), and the installation in the garden of trestle tables with alcohol available. There is evidence that the number of people in attendance increased during the time that Mr Johnson was at the gathering. (Paragraph 36)
2. We note that for the gathering to have been compliant with the Rules, it would have had to have been "essential" for work purposes. We do not consider that a social gathering held purely for the purpose of improving staff morale can be regarded as having been essential for work purposes. Moreover, as we set out in further detail below, we do not believe Mr Johnson would have advised the public that this was the case had he been asked this at the time. (Paragraph 37)

Gathering on 19 June 2020

3. We conclude that there is evidence that the gathering in the Cabinet Room to celebrate Mr Johnson's birthday on 19 June 2020 was attended by at least 17 people other than Mr Johnson, including by individuals who were not his work colleagues, and that it was not socially distanced. We note that Mr Johnson did not explain why he believed the event was "reasonably necessary for work purposes" other than to say that it took place immediately before a work meeting, and that "it seemed to me […] perfectly proper" for officials to be "asked to come and wish me a happy birthday" which we do not regard as convincing. Mr Johnson was also unable to explain why he considered his wife and interior designer "absolutely necessary participants" in a work-related meeting. His assertion that the Prime Minister's family are entitled to use every part of the building does not constitute an explanation. We note that the Metropolitan Police issued Mr Johnson a Fixed Penalty Notice in connection with this event. Mr Johnson accepts that his attendance was unlawful but states that he is not clear precisely how he committed an offence. We note that he had the right in law to decline to accept the FPN if he had wished to assert he had committed no offence, but that he chose not to do so. (Paragraph 48)

Gathering on 13 November 2020

4. We note that organisations across the UK were suffering severe staff morale pressures during the Covid pandemic; we do not consider that this in itself provided a licence for Mr Johnson's conveniently flexible interpretation of the Rules on gatherings, or the Guidance on social distancing. We note that Mr Johnson equivocated when asked whether he would have condoned gatherings for this purpose in other organisations. In view of Mr Johnson's repeated exhortations to the public to follow the Rules and Guidance, indicating the importance he attached to their being taken seriously, we do not believe that, if asked at the time whether unsocially distanced "leaving dos" to maintain staff morale were permitted under the Rules and Guidance in force at the time, he would have advised the British public that they were. We note that the fact that Fixed Penalty Notices were issued for this gathering supports the conclusion that such gatherings were, in fact, not permitted under the Rules then in force. (Paragraph 65)
5. We conclude that there is photographic evidence of Mr Johnson's presence at an event on 13 November 2020 where there was no social distancing; that no mitigations are visible in the photographs; and that the Covid Rules and Guidance at the time did not allow a socially undistanced event to proceed purely for the purpose of maintaining staff morale, and that this would have been clear to Mr Johnson. (Paragraph 66)

Gathering on 27 November 2020

6. We conclude that Mr Johnson attended an impromptu event in the Press Office vestibule on 27 November 2020 at which there is evidence from some attendees that social distancing was not observed. One witness stated that there were "certainly more than 20" people in attendance. Another stated that Mr Johnson made a joke about the lack of social distancing. Mr Johnson draws attention to the Second Permanent Secretary's conclusion that "15 to 20 people" were present. There is not a large gap between the two estimates and clearly no-one was taking an exact count of numbers. Even if it were at the lower esti-

mate of 15, that was too many for social distancing of 1 metre, let alone 2 metres, in that space. We note further evidence that there was a large gathering of people in the vestibule, sufficient to make it difficult for a person to make their way through the room. (Paragraph 73)
7. Mr Johnson stated that he was in attendance for about 10 minutes. This would have afforded him opportunity to observe a large gathering of people in the relatively small space of the vestibule. We have received no evidence that significant mitigations or efforts to maintain social distancing were in place at the event. We have noted earlier (see paragraphs 37 and 66) our conclusion that no reasonable reading of the Covid Guidance at the time would have considered a socially undistanced event purely for the purpose of maintaining staff morale permissible. (Paragraph 74)

Gathering on 18 December 2020

8. Mr Johnson argues that he heard nothing from his flat, nor did he see anyone "detectably under the influence of alcohol", but it is not claimed that he did. Mr Johnson asserts that he did not observe what was going on as he passed the entrance to the Press Office, because his "mind was decisively elsewhere" and "my attention is often elsewhere when I am returning to the flat". This may have been the case, but it is in our view not a credible reason why he would not have observed the gathering. Given the evidence we have received that between 25 and 40 people attended the gathering, that drinking began at 5 pm and the event was "beyond desk drinks" and continued till "the early hours", and that Mr Johnson walked past at 9.58 pm, given that the issue of Fixed Penalty Notices suggests the social (not work-related) nature of the event, for at least some time (and the evidence we have suggests that would be a significant proportion of the event), and given that we know from our own evidence that social distancing was not observed, we conclude that Mr Johnson is unlikely to have been unaware, as he returned to his flat, that a crowded gathering that was in breach of the Covid Rules and Guidance was taking place in the Press Office vestibule. We accept, however, that it is possible, though unlikely, that there was nothing untoward occurring in the vestibule at the time he ascended to the flat. (Paragraph 83)

Gathering on 14 January 2021

9. We note that some participants in the gathering received Fixed Penalty Notices. As we have commented earlier (see paragraphs 37 and 66), we do not consider that an event at this time was compliant with Covid Rules if the purpose of the event was purely to maintain staff morale. (Paragraph 94)

Gatherings: conclusions

10. We have set out and analysed evidence on six gatherings. This establishes that Mr Johnson had personal knowledge that should have led him, at least after due reflection and as gathering succeeded gathering, to question whether the Covid Rules and Guidance were being complied with. (Paragraph 109)
11. For several of the No. 10 gatherings, as we have detailed, Mr Johnson has argued that it did not occur to him that they were in breach of Rules or Guidance. This is despite the fact that he must have been aware of the number of people attending, of the absence of official work being done, and of the absence of social distancing without visible mitigations. In each case he argues that he genuinely believed the events were covered by a work-related exemption to the Rules. He also argues that efforts to socially distance and the putting in place of some mitigations where possible (albeit somewhere other than where the gatherings were taking place) were sufficient for compliance with the Guidance. (Paragraph 110)
12. With regard to the Rules: the gathering had to be essential or reasonably necessary for work purposes. A workplace 'thank you', leaving drink, birthday celebration or motivational event is obviously neither essential or reasonably necessary. Mr Johnson is adamant that he believed all of the events which he attended and of which he had direct knowledge were essential. That belief, which he continues to assert, has no reasonable basis in the Rules or on the facts. A reasonable person looking at the events and the Rules would not have the belief that Mr Johnson has professed. That is plain from the fact that around the UK during the period of pandemic restrictions these events did not take place. (Paragraph 111)
13. This point is reinforced by the exposure of the mock Downing Street press conference video which became public in December 2021. When asked about one of the gatherings we have examined, that of 18 December 2020, and more generally whether the Prime Minister would "condone having a Christmas party", Mr Johnson's then Press Secretary Allegra Stratton was unable to think of any credible response, and was evidently embarrassed. (Paragraph 112)
14. Five of the six events we have focussed on had the core purpose of thanking staff who had been working hard, or raising morale following the departure of staff. Mr Johnson, when asked whether he would have condoned gatherings for this purpose in other organisations, declined to say that he would. As we concluded in paragraphs 37 and 65 above, in view of Mr Johnson's repeated exhortations to the public to follow the Rules and Guidance, indicating the importance he attached to their being taken seriously, we do not believe that, if asked at the time whether unsocially distanced "leaving dos" to maintain staff morale were permitted under the Rules and Guidance, he would have advised the British public that they were. (Paragraph 113)
15. In respect of the sixth event, the gathering to celebrate his birthday on 19 June 2020, while we have no reason to think that the meeting that followed this event was anything other than a necessary work meeting, Mr Johnson was unable to provide a convincing reason why this prior gathering was "reasonably necessary for work purposes". (Paragraph 114)
16. With regard to the Guidance, there was no obvious social distancing at any of the events for which the Committee has photographs, and we have direct evidence about the lack of social distancing from witnesses. We have no evidence of substantive mitigations in place in the rooms or areas where the gatherings took place (save the 20 May 2020 gathering in the garden because it was open air). The mitigations described by Mr Johnson do not relate to the activities complained of. At best they are such marginal expedients as not touching pens or passing things to each other, except of course alcohol. (Paragraph 115)

17. Mr Johnson concedes that social distancing was not possible at these events but maintains the Guidance was complied with "completely". That is not correct. Mr Johnson refers to social distancing of less than 2 metres as "imperfect" social distancing. This term is not in the Guidance. Without all possible efforts being made to redesign the event, to allow for social distancing of at least 1-metre with substantive mitigations, is non-compliance. This inability to maintain full social distancing would have brought into operation the clause in the Guidance relating to considering whether, in these circumstances, the event should take place at all. We conclude that Mr Johnson's persistence in putting forward this unsustainable interpretation of the Guidance is both disingenuous and a retrospective contrivance to mislead the House and this Committee. (Paragraph 116)
18. We think it highly unlikely on the balance of probabilities that Mr Johnson, in the light of his cumulative direct personal experience of these events, and his familiarity with the Rules and Guidance as their most prominent public promoter, could have genuinely believed at the time of his statements to the House that the Rules or Guidance were being complied with. We think it just as unlikely he could have continued to believe this at the time of his evidence to our Committee. We conclude that when he told the House and this Committee that the Rules and Guidance were being complied with, his own knowledge was such that he deliberately misled the House and this Committee. (Paragraph 117)

What Mr Johnson was told by others, and what he told the House

19. The overall thrust of Mr Johnson's evidence to the Committee has been to downplay the significance and narrow the scope of the assertions he made to the House. He has argued that (a) the assurances he referred to related only to one gathering, that on 18 December 2020, and were correct in relation to that gathering; (b) his assertions to the House relating to assurances about Covid compliance were only in respect of the Rules, not the Guidance; and (c) when he referred three times to having repeatedly been assured about compliance, by "repeatedly" he meant "on more than one occasion and by more than one person". (Paragraph 180)
20. The problem with Mr Johnson's attempts to portray his assertions to the House as narrow in scope is that this interpretation is directly at odds with the overall impression Members of the House, the media and the public received at the time from Mr Johnson's responses at PMQs. The message which Mr Johnson clearly meant to convey was that Rules and Guidance at No. 10 had been complied with at all times. Indeed, Mr Johnson initially asserted that Guidance had been complied with when he had meant to say Rules, and rather than correcting what he now admits to have been an error, subsequently reiterated this assertion despite having been advised by his Principal Private Secretary not to make this claim. He was content to convey the impression that the events (plural) against which allegations had been made were in fact "non-events", and, to paraphrase, that it was nonsense to suggest that the rule- makers at the heart of government were also rule-breakers. (Paragraph 181)
21. The impression the House would have taken, and we conclude, would have been intended to take, from Mr Johnson's repeated references to assurances was that those assurances had been overarching and comprehensive, and to be given great weight. In fact, as we have seen, the only assurances that we can be certain were given to Mr Johnson were arrived at in haste based on a press "line to take", were not subject to investigation before either session of PMQs, and did not emanate from senior permanent civil servants or government lawyers but from two media advisers and were based only on their personal recollections. Although Mr Johnson claimed several times to have been given the assurances "repeatedly", in evidence to us he scaled down that claim by arguing that by "repeatedly" he had meant "on more than one occasion" (so possibly only twice). (Paragraph 182)
22. Mr Johnson's attempt in his evidence to us to claim that his assertions at PMQs were narrow in scope amounts to ex post facto justification and was clearly not the message he intended to convey at the time. As an ex post facto justification, it is false. Mr Johnson's failure to seek adequate assurances has also to be seen in the context of his direct personal experience of non-compliance with Covid Rules and Guidance at a series of gatherings which he attended or was aware of, as detailed earlier in this report. (Paragraph 183)

Misleading the House

23. Using the categories of misleading set out in paragraph 32 of the Fourth Report, we conclude that:

a) Mr Johnson misled the House when he said on 1 December 2021 that all Guidance was followed completely in No. 10, when he said on 8 December 2021 that the Rules and Guidance were followed at all times, on 12 January 2022 when he said that events at No. 10 were within the Rules and Guidance, and on 25 May 2022 when he said that the Rules and Guidance had been followed at all times when he was present at gatherings to wish staff farewell. See paragraph 117.
b) Mr Johnson misled the House when he failed to tell the House about his own knowledge of the gatherings where the Rules or Guidance had been broken. See paragraphs 23 to 94.
c) Mr Johnson misled the House when he said on 8 December 2021 that he relied upon repeated assurances that the rules had not been broken. There is evidence that Mr Johnson was assured by two individuals who had worked at No. 10 at the time that they did not think the gathering of 18 December 2020 had broken Covid rules–see paragraphs 136 to 144, and 176. However, we conclude that:

i) Mr Johnson had personal knowledge about gatherings which he should have disclosed. See paragraphs 23 to 94.
ii) Mr Johnson concedes that there was no assurance about any gathering's compliance with the guidance that was in place at the time (as opposed to compliance with the Covid rules), yet Mr Johnson gave the House the impression that those assurances had been overarching and comprehensive in respect of No. 10's compliance with all Covid measures. See paragraphs 144, 146, 161, and 180 to 183.
iii) The purported assurances were only about the gathering of 18 December 2020, not more generally about No. 10's compliance

with the Rules and Guidance, yet Mr Johnson gave the House the impression that those assurances had been overarching and comprehensive in respect of No. 10's compliance with Covid measures across the whole period of restrictions. In particular, we have received no evidence that any specific assurance was provided in relation to the gatherings of 20 May 2020, 19 June 2020, 13 November 2020, 27 November 2020 and 14 January 2021 which we have examined in detail. See paragraphs 145, and 180 to 183.

iv) The context for the initial purported assurance was in response to a media inquiry and the assertion that Covid rules were followed was initially developed in haste, and without further investigation, as a media line to take. They were therefore not appropriate for Mr Johnson to cite as an authoritative indication of No. 10's compliance with Covid measures. See paragraphs 137 to 141.

v) The only two purported assurances for which there is firm evidence did not emanate from senior permanent civil servants or government lawyers but from two media advisers, one of whom was a personal political appointment by Mr Johnson. The purported assurances consisted only of what those individuals themselves believed about the compliance of the gathering of 18 December 2020 with the Rules. They were therefore not appropriate to be cited as an authoritative indication of No. 10's compliance with Covid measures. See paragraphs 139 to 144, 163 to 165, and 176 to 178.

d) Mr Johnson misled the House when he gave the impression that there needed to be an investigation by the Second Permanent Secretary to establish whether the rules and guidance had been broken before he could answer questions to the House. While repeatedly making that statement to the House, he had personal knowledge that he did not reveal. See paragraphs 23 to 94, and 127.

e) We additionally find that Mr Johnson misled the House when he purported to correct the record on 25 May 2022. We have concluded above that his statement on that date that the Covid Rules and Guidance were followed while he was in attendance at farewell gatherings at No. 10 was misleading. As such, it represented a continuation of his previous misleading of the House, and seeking to present it as a correction was itself misleading. His insistence on the truthfulness of this statement in his written evidence, and his refusal to correct the record when invited to do so during his oral evidence on 22 March 2023, is a further misleading. See paragraphs 131, and 187. (Paragraph 188)

24. We further conclude that Mr Johnson has been disingenuous with the Committee in ways which amount to misleading, as follows:

f) By adopting a narrow and restricted interpretation of the assertions he gave to the House in PMQs on 1 and 8 December 2021 which is at odds with the general impression he clearly wished to give in the House that all Rules and Guidance at No. 10 had been followed at all times. See paragraphs 180 to 183.

g) By claiming that when he referred to having been repeatedly assured, by "repeatedly" he had meant merely "on more than one occasion". We note that this is contrary to common English usage. It is clear that when Mr Johnson used the term "repeatedly" at PMQs, he wished his audience to suppose that there had been multiple occasions at which assurances had been given, rather than merely more than one, and, as suggested by our evidence, possibly as few as two. See paragraph 134.

h) By undertaking to provide the Committee with the name of another person who had provided assurances, and then failing to do so. See paragraphs 167 to 169.

i) By stating at the oral evidence session that the Committee had withheld from publication "the evidence that I rely on, which answers the charges" and "a large number of extracts which I rely upon in my defence", but then, when the Committee had facilitated the production of that evidence accompanied by statements of truth, failing to make any use of it in his subsequent final submission. This strongly suggests that Mr Johnson did not "rely on" the evidence at all but was simply using it as a gambit to criticise the Committee in the public hearing. See paragraph 220.

j) By advancing an unsustainable interpretation of Guidance in order that he can deny the implications of the evidence showing a lack of social distancing. See paragraphs 99 to 102, and 115 to 116.

k) By being unable to deny that he said the words "probably the most unsocially distanced gathering in the UK right now" while not admitting that he said them, which has the ring of avoidance about it. See paragraphs 68 to 69. (Paragraph 189)

Was it a contempt?

25. We have given very careful consideration to the question of whether Mr Johnson misled the House recklessly or intentionally. He himself told us that:

I am here to say to you, hand on heart, that I did not lie to the House. When those statements were made, they were made in good faith, and on the basis of what I honestly knew and believed at the time. (Paragraph 198)

26. Mr Johnson argues that whether or not the Covid Rules and Guidance were breached at gatherings he attended, or was aware of, at No. 10 (and he continues to maintain in the case of the six gatherings we investigated that they were not breached), he himself, along with many others at No. 10, genuinely believed they were complying with the Rules and Guidance. (Paragraph 199)

27. To a great extent this defence depends on whether Mr Johnson genuinely believed that the gatherings were work events that satisfied the criteria in the Rules that such events be (before June 2020) "essential for work purposes" or (from June 2020) "reasonably necessary for work purposes", and the criteria in the Guidance that, if social distancing cannot be observed, such an event "needs to continue for the business [or organisation] to operate". We have noted that Mr Johnson was not willing to say that, if asked, he would have advised the general public that work events intended solely to raise morale satisfied these criteria. We have set out, at paragraph 117 above, our conclusion that it is "unlikely on the balance of probabilities that Mr Johnson, in the light of his cumulative direct personal experience of these events,

could have genuinely believed that the Rules or Guidance were being complied with". (Paragraph 200)
28. We have also set out, in paragraphs 188 to 189 above, a list of ways in which we consider Mr Johnson has misled the House or been disingenuous in his responses to our inquiry. His personal knowledge of breaches of the rules and guidance, combined with his repeated failures pro-actively to investigate and seek authoritative assurances as to compliance issues, amount to a deliberate closing of his mind or at least reckless behaviour. We find it highly unlikely that Mr Johnson having given any reflection to these matters could himself have believed the assertions he made to the House at the time when he was making them, still less that he could continue to believe them to this day. Someone who is repeatedly reckless and continues to deny that which is patent is a person whose conduct is sufficient to demonstrate intent. Many aspects of Mr Johnson's defence are not credible: taken together, they form sufficient basis for a conclusion that he intended to mislead. (Paragraph 201)
29. We conclude that in deliberately misleading the House Mr Johnson committed a serious contempt. (Paragraph 202)

Recommended sanction

30. We have concluded above that in deliberately misleading the House Mr Johnson committed a serious contempt. The contempt was all the more serious because it was committed by the Prime Minister, the most senior member of the government. There is no precedent for a Prime Minister having been found to have deliberately misled the House. He misled the House on an issue of the greatest importance to the House and to the public, and did so repeatedly. He declined our invitation to reconsider his assertions that what he said to the House was truthful. His defence to the allegation that he misled was an ex post facto justification and no more than an artifice. He misled the Committee in the presentation of his evidence. (Paragraph 210)
31. Having taken into account the factors set out above, we considered what sanction would be appropriate in this case. We unanimously concluded that the minimum sanction we should recommend to the House should be suspension from the service of the House sufficient to engage the provisions of the Recall of MPs Act. (Paragraph 211)
32. In agreeing to recommend that sanction, we took into account that this case will set a precedent for the standards of accountability and honesty that the House expects of Ministers. We have no doubt that Parliament and the public expect the bar to be set high and for there to be serious consequences if a Minister, as in this case, impedes or obstructs the functioning of the House by deliberately misleading it. (Paragraph 212)
33. Having reached this provisional conclusion as to the recommended sanction, we then followed the procedure we had set out in our procedure resolution, and communicated to Mr Johnson the Committee's proposal to recommend a sanction of suspension for a period long enough to engage the provisions of the Recall of MPs Act, inviting his comments. This material was sent to Mr Johnson under conditions of strict confidentiality. We set out the events that followed, and our view of their implications for sanctioning Mr Johnson, in the next section of this report. (Paragraph 213)

Mr Johnson's resignation as an MP and his attack upon the Committee

34. We note that Mr Johnson does not merely criticise the fairness of the Committee's procedures; he also attacks in very strong, indeed vitriolic, terms the integrity, honesty and honour of its members. He stated that the Committee had "forced him out […] anti-democratically". This attack on a committee carrying out its remit from the democratically elected House itself amounts to an attack on our democratic institutions. We consider that these statements are completely unacceptable. In our view this conduct, together with the egregious breach of confidentiality, is a serious further contempt. (Paragraph 222)
35. Notwithstanding his protestations of respect for the Committee, and his earlier deprecation of language such as "kangaroo courts" and "witch hunts", we note that in his statement of 9 June Mr Johnson himself used precisely those abusive terms to describe the Committee. This leaves us in no doubt that he was insincere in his attempts to distance himself from the campaign of abuse and intimidation of committee members. This in our view constitutes a further significant contempt. (Paragraph 224)
36. On 12 June 2023 at 11.57 pm Mr Johnson's lawyers delivered to the Committee a further purported response to our warning letter of 8 June. We have considered its contents even though we are not obliged to do so. The response was not accompanied by a statement of truth from Mr Johnson. The response makes a series of tendentious accusations. The document is reproduced in full at Annex 3 together with our comments on each paragraph. (Paragraph 226)
37. Before his latest purported submission we had decided to treat Mr Johnson's public statement made on 9 June in response to our warning letter as his response to that letter and his last submissions to this inquiry. We note that on 9 June Mr Johnson stated that "[i]t is in no one's interest […] that the process the Committee has launched should continue for a single day further." We agree with Mr Johnson's view on that point. (Paragraph 227)
38. Contrary to Mr Johnson's assertions, he has been given multiple opportunities to set out his views and to comment on the evidence in the inquiry:

- We set out in detail the evidence and the issues to be raised with him in our Fourth Report published on 3 March 2023.
- We disclosed to Mr Johnson in unredacted form all the evidence we proposed to rely upon and the identity of all our witnesses.
- At the start of the inquiry, in July 2022, Mr Johnson was invited to make an initial submission in writing concerning the allegations and to identify any witnesses that he believed could give relevant evidence. He did not make such a submission or identify any witnesses.
- Mr Johnson was invited to give oral evidence and publish a written statement, which he did and was questioned about the evidence and issues raised in the Fourth Report.
- Mr Johnson was invited to make final submissions in the inquiry and did so.
- Mr Johnson was sent details of our proposed criticisms of him,

and the evidence supporting them, on 8 June 2022, and invited to respond.

- None of the evidence which we relied on in the material sent to Mr Johnson on 8 June was new to Mr Johnson. It was the same as that which was put to him in the Fourth Report and in the oral evidence session. He had the opportunity to respond to that in oral evidence and by written submission and he did.
- In his oral evidence Mr Johnson accused the Committee of suppressing evidence which would be helpful to him. We invited him to identify any such evidence. The Committee obtained that evidence from the witnesses he had indicated, supported by statements of truth. In the event he placed no reliance on it. The clear implication is that there was nothing in the evidence and his criticism in public was a cynical attempt to manipulate Member and public opinion. (Paragraph 228)

39. Our final conclusion is in relation to sanction. Although Mr Johnson's resignation as an MP renders it impossible for a sanction of suspension to be imposed, we draw attention to the fact that before the events of Friday 9 June we had provisionally agreed to recommend a suspension long enough to engage the provisions of the Recall of MPs Act. In the light of Mr Johnson's further contempts, we put on record that if he had not resigned his seat, we would have recommended that he be suspended from the service of the House for 90 days for repeated contempts and for seeking to undermine the parliamentary process, by:

- Deliberately misleading the House
- Deliberately misleading the Committee
- Breaching confidence
- Impugning the Committee and thereby undermining the democratic process of the House
- Being complicit in the campaign of abuse and attempted intimidation of the Committee.

In view of the fact that Mr Johnson is no longer a Member, we recommend that he should not be granted a former Member's pass. (Paragraph 229)

Annex 1: Process and procedure

The Committee set out its own view of its intended procedures in the inquiry in a Resolution on Procedure agreed on 19 July 2022, and in its Second Report of Session 2022-23, published on 21 July 2022.[210] Criticisms of the Committee's procedures have been set out in three legal Opinions commissioned by Mr Johnson from Lord Pannick KC and Jason Pobjoy:

- The first Opinion was published by HM Government on 2 September 2022, when Mr Johnson was Prime Minister, without notice to the Committee. The Committee responded to the Opinion in its Third Report of Session 2022–23, published on 26 September 2022.[211]
- The second Opinion was published by the Committee at the same time that it published its Fourth Report of Session 2022–23, on 3 March 2023.[212] The Committee gave consideration to the Opinion and commented that it "has nothing further to add to its comments in the Third Report" (Fourth Report, Para 15, footnote 14).
- The third Opinion is published at the same time as the present report,[213] together with comments on it by the Committee's legal adviser, Sir Ernest Ryder, which the Committee endorses.[214]

The Committee sets out below answers to questions about its process and procedure, including those frequently posed by Mr Johnson and his supporters.
Quotations in the questions below are taken from Mr Johnson's public statement of 9 June 2023 (set out as Appendix 3 to this report) or his earlier submissions to the Committee.

Questions and answers

1. Is the Committee 'Labour-dominated'?

By convention, select committees are nominated (insofar as is possible) in proportion to party representation in the House. The Committee of Privileges contains four Conservative MPs, two Labour MPs and one Scottish National Party MP. By convention the Chair has been appointed from the principal Opposition party. (Until Mr Bryant recused himself from the present referral, the elected members of the Committee of Privileges and the Committee on Standards have been the same (the latter committee having also lay members); under Standing Order No. 122B the Chair of the Standards Committee is required to be a member of the official Opposition).
Nominations of members of select committees are put to the House and can be objected to; none of the nominations of current members of the Committee were objected to, and they therefore had the support of the whole House.
Under House of Commons rules the Chair does not vote unless a division is tied, in which case there is a casting vote. That means the actual voting strength of the parties on the Committee is Conservative 4, Labour 1, SNP 1, with the Labour Chair only voting in the event of a tie. Paragraph 9 of the report comments that, "we leave our party interests at the door of the committee room and conduct our work in the interests of the House. That is what we have striven to do throughout this inquiry".

210 Committee of Privileges, Second Report of Session 2022–23, Matter referred on 21 April 2022: proposed conduct of inquiry (HC 632), published 21 July 2022

211 Committee of Privileges, Third Report of Session 2022–23, Matter referred on 21 April 2022: comments on joint opinion of Lord Pannick QC and Jason Pobjoy (HC 713), published 26 September 2022.

212 Committee of Privileges, Fourth Report of Session 2022–23, Matter referred on 21 April 2022: summary of issues to be raised with Mr Johnson (HC 1203), published 3 March 2023.

213 Third Opinion of Lord Pannick KC and Jason Pobjoy dated 24 April 2023.

214 Response of Sir Ernest Ryder, Legal Adviser to the Committee, to the Third Opinion of Lord Pannick KC and Jason Pobjoy.

2. What triggers an inquiry by the Committee?

The Committee looks at matters referred to it by the House: it has no power to launch its own inquiries. Once that referral has been made, the Committee may look at all connected matters. In 1947 the House resolved, "That when a matter of complaint of breach of privilege is referred to a Committee, such Committee has, and always has had, power to inquire not only into the matter of the particular complaint, but also into facts surrounding and reasonably connected with the matter of the particular complaint, and into the principles of the law and custom of privilege that are concerned".[215]
In addition, Standing Order No. 133 provides:
Every select committee shall have leave to report to the House its opinion and observations upon any matters referred to it for its consideration, together with the evidence taken before it, and also to make a special report of any matters which it may think fit to bring to the notice of the House.
Erskine May notes that "The interpretation of the order of reference of a select committee is […] a matter for the committee" (25th ed., para 38.11).

3. Has the Committee moved the procedural goalposts?

No. The fundamental elements of that procedure are established by the standing orders and precedent of the House. Wherever the Committee had to make a procedural decision within its limited discretion it did so with the intention of being fair to Mr Johnson while balancing the need to rigorously examine the issues that arise on behalf of the House.
Contempt of the House is governed by the law of privilege. The categories of contempt are unfettered, that is, they are not fixed for all time and it is for the House to decide whether conduct that is alleged is a contempt or not. The House has not excluded the possibility that there may be contempt based upon reckless conduct and the Committee had to keep that in mind. In this case, the Committee has concluded that Mr Johnson's conduct was not merely reckless but was deliberate and so the question is academic, but it will remain a matter for the House in any subsequent inquiry.

4. Is it appropriate for the Committee to follow the procedures of the courts?

The Committee has to follow parliamentary procedure, but where it has power to refine that procedure it has done so in this inquiry in a way favourable to Mr Johnson, requiring all evidence to be accompanied by a statement of truth, providing material to Mr Johnson and giving him time to make submissions before coming to a provisional conclusion, which was itself shared with Mr Johnson so that he could make further submissions.

5. Has the Committee kept within its terms of reference?

Yes. The Committee has only dealt with issues referred to it by the House. The Committee did not in any way alter the definition of contempt.

6. Has Mr Johnson "no formal ability to challenge anything they [the Committee] say"?

That is not correct. The rules are designed to enable the person inquired into to know the allegations and to respond so that the Committee can take that into account. The Committee wrote to Mr Johnson inviting an initial written submission on 21 July 2022. No initial written submission was received in response to this invitation. At his lawyers' request and in order to be fair to Mr Johnson the Committee published, in its Fourth Report on 3 March 2023, the principal issues that the Committee sought to raise with him in oral evidence. The Committee also disclosed all the material it had received (unredacted) to Mr Johnson, not just the evidence it sought to rely on. Mr Johnson gave oral evidence on 22 March in relation to the contents of the Fourth Report. Shortly before the evidence session he submitted written evidence, and he subsequently made further written submissions. Mr Johnson was sent in confidence a warning letter together with relevant provisional conclusions including on sanction on Thursday 9 June 2023, and was invited to make a further submission on those provisional findings. If Mr Johnson had remained a Member of the House he would have been able to make any further points he wished directly to the House, before any decision on sanction.

7. Has the Committee relied on the Sue Gray report?

No. The Committee does not rely on the Sue Gray report or on the notes compiled in preparing it for its evidence. Where the notes, to which the Committee had access, suggested an individual might have evidence relevant to the inquiry, the Committee asked for evidence directly from that individual, accompanied by a statement of truth.

8. Has the Committee been on 'fishing expeditions'?

No. The Committee sought only those documents which were relevant and approached only those witnesses who were relevant or who the notes of the Sue Gray report indicated might have relevant information. On request from Mr Johnson, the Committee also approached specific people to ask about points raised by Mr Johnson or on matters which might have been favourable to him.

On 18 May 2023 the Government supplied us with new evidence relating to 16 gatherings at No. 10 and at Chequers, assessed by the Government Legal Department as being events/ activities "which could reasonably be considered to constitute breaches of Covid Regulations". Mr Johnson has provided, under a statement of truth, explanations of the 16 events referred to. We have no evidence conflicting with his account. We do not wish to incur the further delay to our inquiry that would result from a detailed investigation of these events, and therefore we treat Mr Johnson's explanations as prima facie accurate.

9. Has the Committee disclosed relevant evidence to Mr Johnson?

Yes, all evidence has been disclosed to Mr Johnson – see above (Question 6).

215 Commons Journal, vol 203, page 23 (30 October 1947)

10. Has the Committee taken anonymous evidence? Why has it redacted some documents?

No, the Committee has neither received nor relied upon any anonymous evidence.
In its report on procedure published in July 2022 the Committee, in the interests of setting out all options, raised the possibility that "whistle-blowing" evidence might be taken anonymously with the identity of the witness not disclosed to Mr Johnson. In the event it has not withheld from Mr Johnson the identity of any witness. All evidence and the identity of those submitting it has been disclosed to Mr Johnson.
The Committee received a great deal of documentation in this inquiry. In accordance with best practice, it has published only material accepted as relevant evidence and on which either the Committee or Mr Johnson has sought to rely. Some of this material has been redacted, with Mr Johnson's approval, to remove the identifying details of, e.g., junior civil servants.

11. Why has the Committee not published all the evidence it has received?

See previous answer.

12. Why has the Committee not published its correspondence with Mr Johnson?

The Committee has published some, but not all, of this correspondence.
Mr Johnson's lawyers have engaged in extensive correspondence with the Committee, much of it concerning administrative matters or issues of timing. That correspondence does not constitute evidence. The Committee's practice is to put into the public domain only evidence or other material which it is necessary to publish for the purposes of the inquiry. For that reason it published an exchange between the Chair and Mr Johnson's lawyers on the day of the 22 May 2023 hearing, and is publishing with this report a letter from Mr Johnson sent to individual Committee members shortly after the hearing (see Appendix 2).

13. Did the Committee prejudge the issues when it published its Fourth Report?

No, the Committee was responding to a request from Mr Johnson's own lawyers to set out the principal issues arising out of the evidence that he would have to answer when he gave oral evidence.

14. Was Mr Johnson subject to "highly partisan cross-examination" on 22 March 2023?

No. The purpose of questioning a witness in oral evidence is to test the strengths and weaknesses of their evidence. Posing challenging questions, with ample opportunity given for the witness to reply, is not only legitimate but essential.

15. Was Mr Johnson allowed legal advice?

Yes. The Committee's Resolution on Procedure specifically provided for such legal (or other) advice and specified that any witness could be accompanied at evidence session by such advisers and to take advice during those sessions. Legal advisers are not permitted to address a select committee (see below).

16. Why was Mr Johnson's counsel not allowed to address the Committee?

Under the rules of the House, only witnesses are permitted to address select committees. A lawyer representing a client is not a witness. No select committee appointed under public business standing orders, as is the Committee of Privileges, is permitted to hear Counsel without specific authorisation from the House. No proposal for the Committee to hear Counsel has been put to the House by the Government or any Member. More detailed background on this matter is given in the Committee's Third Report (paras 22–27).

17. Why was evidence taken on oath?

Select committees have the power to take evidence on oath (see Erskine May, 25th ed., para 38.37). At an early stage in its inquiry the Committee decided, due to the seriousness of the matter before it, that all written evidence in the inquiry should be accompanied by statements of truth and that oral evidence from all witnesses should be given on oath. Had witnesses other than Mr Johnson been called, their evidence would also have been taken on oath.

18. Is the Committee "performing the role of investigator, prosecutor, judge and jury"?

The terms 'prosecutor, judge and jury' are neither appropriate nor relevant to the procedure used by select committees of the House and in particular, the Committee of Privileges. The procedure is not an adversarial court procedure. The Committee is the investigator of the terms of the inquiry which are referred to them by the House. The Committee did not pursue a case against Mr Johnson as a prosecutor might. They investigated the subject referred to them by obtaining evidence and had regard to all of the evidence that was relevant, including that requested by Mr Johnson, whether it was favourable or adverse to any conclusion. In accordance with precedent and its own procedures, the House expects the Committee to come to conclusions and recommendations in a report that the House can then debate and decide upon. It is the House that makes the decision about those conclusions and recommendations not the Committee, and the House is able to accept, reject or amend them. The Committee is not a ' judge in its own cause'. It is for the House as a whole to make a decision.

19. Is it the case that "in no other context would this be regarded as a fair or impartial process"?

No. An investigative or inquisitorial process will be fair if the person against whom an allegation is made is protected by two principles: the principle of contradiction and the principle that no person may be a judge in their own cause. There is an extensive commentary on these principles and how they apply to the procedures of the House and its Committees in

the recent review of fairness and natural justice in the House's standards system (see in particular at paragraphs 50 and 59).[216]
The first principle is about whether and how a person is to be heard. The Committee has ensured that its procedures provide for comprehensive disclosure of evidence and documents in unredacted form, the ability to take legal advice and to have legal assistance throughout the process, the identity of witnesses, notice of the issues that the evidence suggests need to be pursued, the opportunity to give evidence in writing and the opportunity to be heard in person, the opportunity to make further submissions after all the evidence has been received and, finally, the right to make representations before conclusions and recommendations are made to the House.
The second principle in practice requires the investigation to be separated from the decision in any case where there are serious implications and for those who perform those roles to be separate in an inquiry of the kind that is conducted by the Committee of Privileges. That is precisely what is provided for in the procedures of the House. The Committee investigates and comes to its own conclusions and recommendations, and the House decides and has complete freedom to accept, reject or amend what the Committee has recommended.

20. Can the Committee sanction Mr Johnson?

No, the Committee has no power to impose sanctions. It makes recommendations to the House. The decision-making power on sanctions rests with the whole House.

21. Does the inquiry continue whether or not Mr Johnson is an MP?

Yes, the Committee has been instructed by the House to carry out this inquiry and it is the duty of the Committee to continue until its investigations are complete and it has reported its recommendations to the House.

22. Will the inquiry have a chilling effect on Ministers' willingness to speak at the Dispatch Box?

No, there are well established procedures which are routinely used by Ministers, to correct errors which might otherwise mislead the House. It is important that those procedures are used so that the House can exercise its proper scrutiny over Government.

Annex 2: Statements by Mr Johnson to the House regarding Covid compliance in No. 10

The table below sets out more than 30 statements made by Mr Johnson to the House of Commons about Covid compliance in No. 10. It is intended as a comprehensive, albeit not exhaustive, record of such statements made by Mr Johnson between December 2021 (when allegations that Covid Rules had been broken in No. 10 first emerged) and May 2022 (when Mr Johnson purported to correct the record following his initial statements), as recorded in Hansard.

216 Committee on Standards, Sixth Report of Session 2021–22, Review of fairness and natural justice in the House's standards system (HC 1183), published 4 March 2022

HOUSE OF COMMONS COMMITTEE OF PRIVILEGES

Date	Statement
1 December 2021	[Keir Starmer] "As millions of people were locked down last year, was a Christmas party thrown in Downing Street for dozens of people on 18 December?" [Boris Johnson] **"What I can tell the right hon. and learned Gentleman is that all guidance was followed completely in No. 10."**
8 December 2021	[Boris Johnson] "May I begin by saying that I understand and share the anger up and down the country at seeing No. 10 staff seeming to make light of lockdown measures? I can understand how infuriating it must be to think that the people who have been setting the rules have not been following the rules, because I was also furious to see that clip. I apologise unreservedly for the offence that it has caused up and down the country, and I apologise for the impression that it gives. **I repeat that I have been repeatedly assured since these allegations emerged that there was no party and that no covid rules were broken. That is what I have been repeatedly assured.** But I have asked the Cabinet Secretary to establish all the facts and to report back as soon as possible. It goes without saying that if those rules were broken, there will be disciplinary action for all those involved." [Keir Starmer] "The Prime Minister and the Government spent the week telling the British public that there was no party and that all guidance was followed completely. Millions of people now think the Prime Minister was taking them for fools and that they were lied to; they are right, aren't they?" [Boris Johnson] "I think the right hon. and learned Gentleman probably missed what I said at the beginning, but I apologise for the impression that has been given that staff in Downing Street take this less than seriously. I am sickened myself and furious about that, but **I repeat what I have said to him: I have been repeatedly assured that the rules were not broken"** [Keir Starmer] "We have all watched the video of the Prime Minister's staff, including his personal spokesperson. They knew there was a party, they knew it was against the rules, they knew they could not admit it and they thought it was funny. It is obvious what happened – Ant and Dec are ahead of the Prime Minister on this. The Prime Minister has been caught red-handed; why does he not end the investigation right now by just admitting it?" [Boris Johnson] "**Because I have been repeatedly assured that no rules were broken**. I understand public anxiety about this and I understand public indignation, but there is a risk of doing a grave injustice to people who were, frankly, obeying the rules. That is why the Cabinet Secretary will be conducting an investigation and that is why there will be the requisite disciplinary action if necessary." [Ian Blackford] "It is clear that the Prime Minister is desperately clinging on to power, and I have got nothing left to say to a man who we simply cannot trust. It is time for Members in this House to act. If he does not resign, he must be removed." [Boris Johnson] "I thank the right hon. Gentleman for his vote of confidence, but I can tell him that I am going to get on with the job. I believe that that is the right thing to do. I think it is very, very sad that when the public need to hear clarity from their officials and from politicians, **the Opposition parties are trying to muddy the waters about events, or non-events, of a year ago. That is what they are doing today."** [Catherine West] "Will the Prime Minister tell the House whether there was a party in Downing Street on 13 November?" [Boris Johnson] "No, but I am sure that whatever happened, **the guidance was followed and the rules were followed at all times."**
15 December 2021	[Keir Starmer] "The message from the Government has to be "We know that following the rules won't be easy this Christmas, but it is necessary." Can the Prime Minister not see that he has no hope of regaining the moral authority to deliver that difficult message if he cannot be straight with the British public about the rule breaking in Downing Street last Christmas?" [Boris Johnson] "I have repeatedly answered that question before. As the right hon. and learned Gentleman knows, **a report is being delivered to me by the Cabinet Secretary into exactly what went on."**

Date	Statement
12 January 2022	[Boris Johnson] "When I went into that garden just after 6 o'clock on 20 May 2020, to thank groups of staff before going back into my office 25 minutes later to continue working, **I believed implicitly that this was a work event**, but with hindsight, I should have sent everyone back inside. I should have found some other way to thank them, and I should have recognised **that even if it could be said technically to fall within the guidance**, there would be millions and millions of people who simply would not see it that way" [Keir Starmer] "It started with reports of boozy parties in Downing Street during lockdown. The Prime Minister pretended that he had been assured there were no parties – how that fits with his defence now, I do not know. Then the video landed, blowing the Prime Minister's first defence out of the water. So then he pretended that he was sickened and furious about the parties. Now it turns out he was at the parties all along. Can the Prime Minister not see why the British public think he is lying through his teeth?" [Boris Johnson] "[…] What he said is wrong in several key respects […] As I have said to the House, **I believe that the events in question were within the guidance and were within the rules**, and that was certainly the assumption on which I operated" [Boris Johnson] "[…] All I ask is that Sue Gray be allowed to complete her inquiry into that day and several others, **so that the full facts can be established"**. [Keir Starmer] "The Prime Minister's defence that he did not realise that he was at a party is so ridiculous that it is actually offensive to the British public. He has finally been forced to admit what everyone knew – that when the whole country was locked down, he was hosting boozy parties in Downing Street. Is he now going to do the decent thing and resign?" [Boris Johnson] "[…]**I do not think that he should pre-empt the outcome of the inquiry**. He will have a further opportunity, I hope, to question me as soon as possible" [Keir Starmer] "[…] Now it turns out he was at the parties all along. Can the Prime Minister not see why the British public think he is lying through his teeth?" [Boris Johnson] "[…] Can I say to him that he should wait – he should wait – before he jumps to conclusions, and a lawyer should respect the inquiry? **I hope that he will wait until the facts are established and brought to this House."** [Ian Blackford] "[…] The Prime Minister stands before us accused of betraying the nation's trust, of treating the public with contempt, of breaking the laws set by his own Government […] Will he Prime Minister finally do the decent thing and resign, or will his Tory MPs be forced to show him the door?" [Boris Johnson] " […] With the greatest respect to him, **I think that he should wait until the inquiry has concluded."** [Chris Bryant] "The Prime Minister did not spot that he was at a social event. That is the excuse, isn't it? Come off it […] Would it not be absolutely despicable if, in the search for a scapegoat, some junior member of staff ended up losing their job while he kept his?" Boris Johnson] "[…] I really think, with all humility, **I must ask him to wait for the result of the inquiry**, when he will have abundant opportunity to question me again and to make his party political pointsagain."
19 January 2022	[Wendy Chamberlain] "Last year, we were told by the Prime Minister that there were no Downing Street parties. Then it turned out that there were parties, but we were assured that no rules were broken. Last week, we heard that rules may have been broken, but that he thought it was a work event. Yesterday, from the man who wrote the rules, we heard, "Well, nobody told me what those rules were." […] Does the Prime Minister agree that it is now time for him to resign?" Boris Johnson] "No, but as I said to the House last week, I apologise sincerely for any misjudgments that were made. The hon. Lady must contain her impatience and **wait for the inquiry next week before drawing any of the conclusions she has just asserted.**" [Keir Starmer] "First, the Prime Minister said there were no parties. Then the video landed, blowing that defence out of the water. Next, he said he was sickened and furious when he found out about the parties, until it turned out that he himself was at the Downing Street garden party. Then, last week, he said he did not realise he was at a party and – surprise, surprise – no one believed him. So this week he has a new defence: "Nobody warned me that it was against the rules." That is it – nobody told him! Since the Prime Minister wrote the rules, why on earth does he think his new defence is going to work for him?" [Boris Johnson] "The right hon. and learned Gentleman talks about the rules. Let me repeat what I said to the hon. Member for North East Fife across the aisle earlier on. **Of course, we must wait for the outcome of the inquiry, but I renew what I have said."** [Keir Starmer] "Not only did the Prime Minister write the rules, but some of his staff say they did warn him about attending the party on 20 May 2020. I have heard the Prime Minister's very carefully crafted response to that accusation; it almost sounds like a lawyer wrote it, so I will be equally careful with my question. When did the Prime Minister first become aware that any of his staff had concerns about the 20 May party?" Boris Johnson] "I am grateful to the right hon. and learned Gentleman for repeating the question that he has already asked. We have answered that: **it is for the inquiry to come forward with an explanation of what happened, and I am afraid that he simply must wait."** [Keir Starmer] "If the Prime Minister's new defence were true, it requires him […] to expect us to believe that, while every other person who was invited on 20 May to the party was told it was a social occasion, he alone was told it was a work meeting. It also requires the Prime Minister to ask us to accept that, as he waded through the empty bottles and platters of sandwiches, he did not realise it was a party. Does the Prime Minister realise how ridiculous that sounds?" [Boris Johnson] "I have said what I have said about the events in No. 10 and **the right hon. and learned Gentleman will have to wait for the report."** [Ian Blackford] "[…] Over the past two days, we have had more damaging revelations about Downing Street rule breaking, more evidence that Parliament has been misled, and an even longer list of ludicrous – absolutely ludicrous – excuses from the Prime Minister […] Nobody believes him. Will the Prime Minister finally take responsibility and resign? [Boris Johnson] "No, but I thank the right hon. Gentleman for his question again. I remind him that there is an inquiry, which is due to conclude. **I believe he is wrong in what he asserts, but we have to wait and see what the inquiry says."**

HOUSE OF COMMONS COMMITTEE OF PRIVILEGES

Date	Statement
31 January 2022	[Boris Johnson] "[…] I want to say sorry. I am sorry for the things we simply did not get right and sorry for the way this matter has been handled. **It is no use saying that this or that was within the rules**, and it is no use saying that people were working hard – this pandemic was hard for everyone. We asked people across this country to make the most extraordinary sacrifices – not to meet loved ones, not to visit relatives before they died – and I understand the anger that people feel." [Theresa May] "What the Gray report does show is that No. 10 Downing Street was not observing the regulations they had imposed on members of the public, so either my right hon. Friend had not read the rules, or did not understand what they meant – and others around him – or they did not think the rules applied to No. 10. Which was it?" [Boris Johnson] "No, that is not what the Gray report says. **It is not what the Gray report says, but I suggest that my right hon. Friend waits to see the conclusion of the inquiry."** [Ed Davey] "[…] Does the Prime Minister understand? Does he care about the enormous hurt his actions have caused to bereaved families across our country? Will he finally accept that the only decent thing he can do now is to resign?" [Boris Johnson] "I do care deeply about the hurt that is felt across the country about **the suggestion that things were going on in No. 10 that were in contravention of the covid rules** […] I have apologised several times, but I must say that I think **we should wait for the outcome of the inquiry** before jumping to the conclusions that the right hon. Gentleman has raised." [Karl Turner] "We now know that there is a criminal investigation into the party that took place on 13 November 2020 in the Prime Minister's flat to celebrate the exit of Mr Cummings. On 8 December last year, the Prime Minister came to that Dispatch Box and flatly denied the very idea that any such party had taken place […] He has inadvertently misled the House, so the very least he should do is get to that Dispatch Box and correct the record." [Boris Johnson] "No. **I stand by what I said, and I would simply urge the hon. Member to wait for the outcome of the inquiry**. That is what he needs to do." [Colum Eastwood] "While the Prime Minister was eating birthday cake with his pals, people were standing outside nursing home windows looking in at their loved ones dying. Contrary to what the Prime Minister has said multiple times from that very Dispatch Box, any objective reading of Sue Gray's update makes it absolutely clear that the rules were broken multiple times in Downing Street […]" [Boris Johnson] "The hon. Gentleman really has to read the report. He has to look at the report, and he must wait – **Everything he has said is, I am afraid, not substantiated by the report. He should look at it, and wait for the police inquiry."** [Catherine West] "As the Prime Minister will recall, during Prime Minister's Question Time on 8 December, I asked "whether there was a party in Downing Street on 13 November". Now the report says, as one of the bullet points on the first page, that there was "a gathering in the No 10 Downing Street flat" and "a gathering in No 10 Downing Street on the departure of a special adviser". Did the Prime Minister inadvertently mislead this House?" [Boris Johnson] **"I stick by what I said to the hon. Lady, and if she cares about democracy and due process, she should wait until the inquiry has been concluded."**
9 February 2022	[Fabian Hamilton] "In the last few minutes, a photo has emerged of the Prime Minister in Downing Street, on 15 December 2020, surrounded by alcohol, food and people wearing tinsel. It looks a lot like one of the Christmas parties that he told us never happened […] Will the Prime Minister be referring that party to the police, as it is not one of those already being investigated?" [Boris Johnson] "[…] In what the hon. Gentleman has just said I am afraid **he is completely in error."**
19 April 2022	[Boris Johnson] "[…] On 12 April, I received a fixed penalty notice relating to an event in Downing Street on 19 June 2020 […] Let me also say – not by way of mitigation or excuse, but purely because it explains my previous words in this House – that **it did not occur to me, then or subsequently, that a gathering in the Cabinet Room just before a vital meeting on covid strategy could amount to a breach of the rules**. I repeat: that was my mistake and I apologise for it unreservedly." [Stephen Timms] "[…] Does the Prime Minister recognise that there is a very serious problem for the long term in leaving a lawbreaker in charge of the law-makers?" [Boris Johnson] "I have said what I have said. I apologise and want to say again tothe House that **when I spoke before in this Chamber about events in Downing Street, I spoke in good faith.**" [Andy McDonald] "Truth and honesty matter, and the Prime Minister has repeatedly told the House that all guidance and all rules were observed. That is not true. He also told the House that there were no parties; indeed, his Chancellor also said that he had not attended a party. Neither of those things are true. So, for once in his privileged, entitled life, will he do the decent thing, come to the Dispatch Box, and correct the record? […]" [Boris Johnson] "I want to repeat what I have said about the event in question […] **I thought it was within the rules and it has turned out not to be the case. As for other events, I'm afraid I am going to have to stick by what I have said previously and await – I hope he will allow me – the conclusion of the investigation."**

Date	Statement
25 May 2022	[Boris Johnson] "Those staff working in Downing Street were permitted to continue attending their office for the purpose of work, and the exemption under the regulations applied to their work because of the nature of their jobs, reporting directly to the Prime Minister […] The exemption under which those staff were present in Downing Street includes circumstances where officials and advisers were leaving the Government, and it was appropriate to recognise them and to thank them for the work that they have done. […] I briefly attended such gatherings to thank them for their service – which I believe is one of the essential duties of leadership, and is particularly important when people need to feel that their contributions have been appreciated – and to keep morale as high as possible. […] It is clear from what Sue Gray has had to say that some of these gatherings then went on far longer than was necessary. **They were clearly in breach of the rules, and they fell foul of the rules […] I had no knowledge of subsequent proceedings, because I simply was not there, and I have been as surprised and disappointed as anyone else in this House as the revelations have unfolded"**. [Boris Johnson] "I am happy to set on the record now that **when I came to this House and said in all sincerity that the rules and guidance had been followed at all times, it was what I believed to be true. It was certainly the case when I was present at gatherings to wish staff farewell** – the House will note that my attendance at these moments, brief as it was, has not been found to be outside the rules – but clearly this was not the case for some of those gatherings after I had left, and at other gatherings when I was not even in the building. So I would like to correct the record – to take this opportunity, not in any sense to absolve myself of responsibility, which I take and have always taken, but simply to explain why I spoke as I did in this House." [Sir Robert Buckland] "[…] The rules of this House make clear that anyone who comes here and deliberately lies and misleads the House should leave their position, resign or apologise. My right hon. Friend has been asked many times about specific incidents and events that Sue Gray has outlined. Has he on any occasion come to the House in response to specific questions about specific events, and deliberately lied to us?" [Boris Johnson] "No, Mr Speaker, for the reason I have given: that **at the time when I spoke to this House, I believed that what I was doing was attending work events**, and, with the exception of the event in the Cabinet Room, that is a view that has been vindicated by the investigation." [Dame Angela Eagle] "My hon. Friend the Member for Hornsey and Wood Green asked the Prime Minister a point-blank question on the Floor of this House when he was at the Dispatch Box. She asked him if he had been to a party on 13 November in 10 Downing Street. He said he had not and that no party had happened. There are four pictures of it featured in the Sue Gray report. Will the Prime Minister account now, on the Floor of the House, for his answer to that very specific question?" [Boris Johnson] "Yes of course, and I tried to do it in what I said earlier. **The answer is that it is part of my job to say thank you to people who work in Government, and that is what I was doing. I believed it was a work event** and, indeed, there has been no fine issued to me as a result of my attendance at that event, because that is what I was doing." [John Baron] "[…] Given the extent of rule breaking in No. 10, does my right hon. Friend believe that what he has said to the House since about there being no rule breaking passes the test of reasonableness?" [Boris Johnson] "[…] **I believed that I was attending work events – those are the ones of which I had knowledge** – and with the exception of what took place in the Cabinet Room in June 2020, that view has been sustained by the investigation."

Annex 3: Purported response of Mr Johnson to the Committee's warning letter

Purported response of Mr Johnson to the Committee's warning letter, received by the Committee 12 June 2023, with Committee comments

1. The Committee has provided me with a 36 page document entitled "Extract of Provisional Conclusions" ('the document'). Despite the fact that they are said to be "provisional", the Committee has declared that I cannot challenge any of its conclusions on the facts, nor comment on any matters in it with which I disagree. In short, the process adopted by the Committee denies me any opportunity to challenge their findings and conclusions, no matter how wrong, selective, unreasonable, illogical or unsupported by evidence. This cannot possibly be fair.
Committee comment: As Mr Johnson and his lawyers well know, the warning letter procedure is an opportunity after the evidence has been considered to respond to the Committee's provisional conclusions and recommendations. It is not an opportunity to rehearse the evidence that has been received or to rehearse Mr Johnson's disagreement with that evidence. Mr Johnson has had repeated opportunities to set out his evidence about the facts and has availed himself of those opportunities, in particular in the submissions that he made after all written evidence was available and after he had been questioned in the oral hearing.

2. To illustrate the invidious and unjust position in which the Committee has placed me, I set out below a critique of just a few of the Committees' findings. This is merely a handful of the errors and injustices with which the document is riddled.
Committee comment: Mr Johnson had the opportunity to comment on the whole of the document containing provisional conclusions and recommendations but he now chooses only to selectively criticise. To adopt this approach is to undermine the workings of the House because the House is entitled to know what his criticisms are before he discusses them in public, something he implies he is going to do at paragraph 13.

3. As a preliminary issue, I note that the Committee criticises me for "*failing to make any use*" of the evidence that I insisted it obtain after my oral evidence session. This criticism illustrates perfectly, as Lord Pannick KC and Jason Pobjoy have pointed out, the unfairness of the Committee being investigator, prosecutor and fact-finder. My complaint, as the Committee will know from the correspondence, was that the Committee said that it would disregard any evidence that was not accompanied by a statement of truth. This meant that, had my legal team not intervened, the Committee was intending to disregard a great deal of evidence that supported me which, for some reason, it had not chosen to obtain. I had already made use of much of that evidence in my Submissions, which I adopted under oath at the oral evidence session, before I understood that the Committee was planning to disregard it. I also made use of some of it in my Further Submission, although I did not repeat what was in my earlier Submissions as they were already before the Committee. The Committee's fundamental error is that the responsibility to "make any use" of this evidence was not mine but its own. It is the Committee that must fairly and objectively make use of and have regard to all of the evidence, whether for or against the allegations against me. The document demonstrates that the Committee has failed in this duty. The fact that it lays responsibility for its partial selection of the evidence at my door shows just how profoundly it has fallen into error. Its stance might be justified as a prosecutor in an adversarial process where each party can call its own witnesses before an impartial tribunal. As I had feared, this is precisely how the Committee seems to have approached its task.
Committee comment: Mr Johnson and his lawyers are well aware that the Committee required all evidence to be accompanied by a statement of truth. Contrary to Mr Johnson's bald assertion, it has considered all of that evidence whether it is supportive of or adverse to Mr Johnson. Mr Johnson had all of the materials available to the Committee and in time to identify any material that he wished to rely upon as evidence and seek statements of truth from those witnesses. He chose to wait until the last moment before the oral hearing to start discussions about the evidence upon which he wanted to rely. Mr Johnson unfairly complained in that hearing that evidence on which he wished to rely had not been pursued. In any event, he had the right to use all of the disclosed material, whether or not accompanied by a statement of truth, during the oral hearing. He was provided with those materials for that purpose. The Committee asked him to identify the evidence and pursued it for him. Once received with a statement of truth, Mr Johnson chose to place no reliance upon it. There is accordingly no truth in the assertion that the Committee planned to disregard anything that supported Mr Johnson.

My assurances to the House on 8 December 2021

4. The Committee accepts that what I actually said about the scope of the assurances I received was accurate: I had repeatedly been assured that the event on 18 December 2020 was within the Rules. My words were clear and explicit and had been prepared with input from multiple officials and advisers. I also explained under oath, if there was any possibility of confusion, what I meant by those words. Despite my words being accurate, clear, undisputed and confirmed under oath, the Committee nevertheless finds that I deliberately gave the House a "misleading impression" that I meant something entirely different. In other words, I am condemned not for what I actually said but for what the Committee has now decided that I meant.
Committee comment: The Committee is entitled to come to a view about the credibility of what Mr Johnson said to the House and to the Committee. In so far as he asserts that there are 'multiple officials and advisers' who provided assurances or had input into his statements, Mr Johnson had the opportunity to identify them and did not do so despite indicating that he would. The Committee asked all of the witnesses who it believed had relevant information about Mr Johnson's knowledge whether they themselves had given assurances to Mr Johnson and none of them other than Mr Doyle and Mr Slack stated that they had personally given such assurances.

5. Furthermore, the Committee finds that I intended my assurances to be "*overarching and comprehensive*". Not only is this the opposite of what I said, it ignores completely the fact that, in the very next breath, I announced an independent investigation.

Committee comment: The Committee is entitled to consider what members of the House and the public would have understood Mr Johnson to have said and what he meant by those words. The Committee also concluded that using an announcement about an independent investigation was a deliberate avoidance of his own knowledge.

6. Finally, the Committee finds that I "scaled down" what I meant by "repeatedly" and that "the only assurances that can… be said to have been given with certainty" were those from Jack Doyle and James Slack. However, it is the Committee that has scaled down what I said to fit its own conclusion by ignoring the sworn evidence of Sarah Dines MP, Andrew Griffith MP and Jack Doyle, corroborating my own evidence under oath, that I received additional assurances in meetings. There is no explanation for why their evidence is disregarded. The Committee supports its position by selectively and misleadingly quoting from correspondence. In a letter of 27 March my lawyers wrote:

> *"…Mr Johnson thought of an official who was in the morning meetings referred to by Andrew Griffith MP and Sarah Dines MP in their evidence to the Committee. However, he did not say that he knew precisely who was in each meeting and who specifically gave him the assurances remembered by the MPs.*
> *On reflection, Mr Johnson is still not sure of these matters and does not wish to speculate. The Committee has evidence from Jack Doyle, Andrew Griffith MP and Sarah Dines MP that Mr Johnson was provided with assurances about the event on 18 December 2020 by officials at these meetings. Therefore, irrespective of the identities of those officials, there can be no dispute that (i) assurances were received from Jack Doyle and James Slack; (ii) three witnesses have given evidence that Mr Johnson received assurances in at least one of the PMQ prep meetings; and (iii) Mr Johnson was given assurances by more than one person and on more than one occasion.*

Committee comment: The Committee has not disregarded the evidence of Sarah Dines MP and Andrew Griffith MP. Their evidence is limited and without the particulars that Mr Johnson failed to provide is insufficient to counter the consistent evidence that no additional assurances were given by anyone. In any event in oral evidence when pressed about whether the Committee should pursue the evidence of Ms Dines and Mr Griffith, Mr Johnson himself said it was "probably totally irrelevant".

7. In its document, the Committee has quoted only the underlined passage and presented it as if it applied to whether I recalled being given assurances in meetings at all. This is grossly misleading. As the full quote makes clear, I was not sure about who gave me the assurances in the meetings, but that they were given was never in doubt. It assists the Committee in its 'misleading impression' argument to find that I only received assurances from two advisers, but that is a complete denial of the evidence.
Committee comment: Mr Johnson's lawyer's explanation was considered and is quoted in full in the report. Mr Johnson gave the clear impression in oral evidence that he knew who he wanted to identify and he then failed to identify that person. His explanation for that failure is unconvincing.

My personal knowledge that the Rules were broken

8. The Committee purports to rule, as a matter of law, that it could never be reasonably necessary for work to attend a gathering purely to raise staff morale, and that the duration for which I attended any event is irrelevant. Therefore, it concludes, I must have known the Rules were broken even if I was present at such gatherings only for a few minutes. This finding is fundamentally wrong in multiple ways. First, the Committee has no power to purport to make such a finding and there is no precedent or judgment in support of its position – it is purely the Committee's own interpretation of the law. Second, that interpretation appears to be in direct contradiction to the one adopted by the Met Police, who didn't fine me for my attendance at precisely the same events and who have explained to the Committee that the lawfulness of a gathering "*may have changed throughout the duration of the gathering*". The Committee does not refer to or have any regard to the Met Police's advice, which obviously is correct. Third, as I set out below, it was the understanding of numerous officials who gave evidence to the Committee that they thought they were following the Rules. The Committee appears to have devised its legal test just for me.
Committee comment: The Committee does not interpret the law. It is, however, entitled to compare the plain language of the Rules and Guidance with what Mr Johnson said at the time when he was exhorting the public to follow those Rules and Guidance, and Mr Johnson's attempts in evidence to re-interpret what the words meant.
Finally, the Committee's reasoning ignores the actual question it must answer, which is whether I honestly believed that the Rules had been broken at the events I attended. The Committee can only find otherwise by unilaterally declaring my attendance as unlawful and then asserting that, uniquely amongst everyone at No10, I must have known that to be the case.
Committee comment: The Committee is entitled to conclude on all the evidence that Mr Johnson did not honestly believe what he said he believed or that he deliberately closed his mind to the obvious or to his own knowledge.

My personal knowledge of the event on 18 December 2020

10. The Committee's findings about the event on 18 December 2020 appear to abandon completely any adherence to the 'clear and cogent evidence' test which it accepts it must adopt, and enters the realm of pure speculation. I gave evidence on oath that I was not aware of any event taking place and I did not recall seeing anything that appeared to me to be against the Rules when I went up to my flat at 21.58 that evening. Even if, despite my evidence to the contrary, the Committee found that I must have glanced up, there is no evidence whatsoever before the Committee about what was happening in the Press Office at that precise moment. There is, however, plenty of evidence before the Committee that the number of people present varied throughout the evening, that people came and went, and that many stayed at their desks to work. Despite this evidence, the Committee finds, based on

its own site visit, that (i) I looked into the vestibule; and (ii) I saw a gathering in breach of the Rules. In support of this finding, the Committee refers to the facts that "*drinking began at 5pm*" and "*continued till "the early hours*"" and that the event was not work- related for "*at least some of the time*". It is not explained how evidence of what was happening at completely different times has any bearing on what I would have seen had I glanced across at 21.58. Moreover, if the event was work-related for "some of the time" then there is no basis whatsoever for finding that I must have seen a rule-breaking gathering at that precise moment, let alone that I would have recognised it as such.
Committee comment: Mr Johnson ignores the plethora of evidence about how obvious it would have been to him at 9.58pm that something was happening that was in breach of the Rules and Guidance. The Committee concluded that it is likely that he knew about this particular gathering.

The argument from silence

11. The Committee fails completely to answer the point that, if it should have been obvious to me that these events were contrary to the Rules and guidance, then it should have been obvious to many others too. The Committee has not pointed to any evidence that anyone felt inhibited or scared to raise concerns either with me or with their superiors – this is pure speculation. The evidence cited in support of the Committee's finding – that one official said they were "*following a workplace culture… I did it because senior people did it*" is evidence that they and the senior people referred to thought, as I did, that they were following the Rules. It contradicts rather than supports the Committee's findings. More importantly, the Committee has not quoted from or even summarised the numerous witnesses who gave sworn evidence that they thought they were following the Rules. Again, the evidence that supports me and contradicts the Committee's findings is simply ignored.
Committee comment: Mr Johnson was alerted to the possibility of breaches of the Guidance by his Principal Private Secretary, Martin Reynolds. It is not correct that there is no evidence that it was obvious to others. Mr Johnson has that evidence from a senior No. 10 official as well as the evidence of Lee Cain and Jack Doyle's WhatsApp message.

The interpretation of the guidance

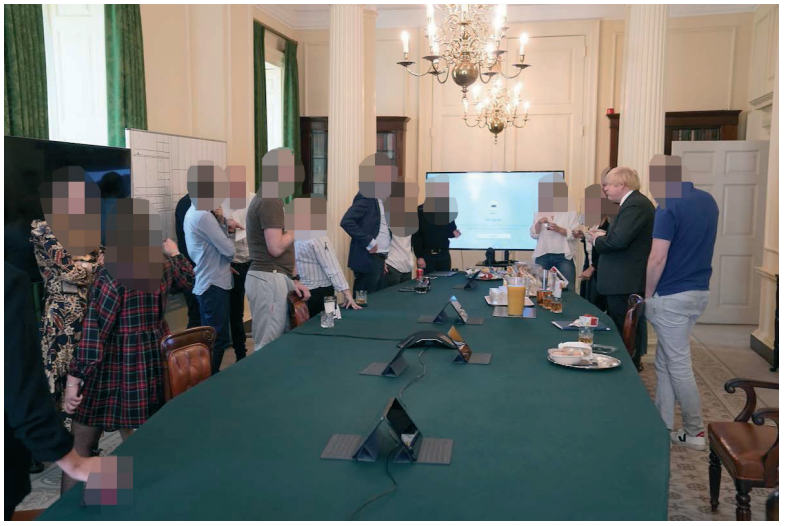
12. The Committee now accepts that I am correct that the guidance required social distancing "*wherever possible*" and that the instruction that "*only absolutely necessary participants should physically attend meetings*" was one that "usually" rather than always applied. However, despite my reading of the guidance being correct, and the Committee having to accept that its own reading was wrong, the Committee somehow concludes that my interpretation was a "*contrivance to mislead the House*". Again, the Committee appears to have come up with a standard that applies only to me.
Committee comment: The Committee did not erroneously interpret the Rules and Guidance. It considered Mr Johnson's interpretations and considered that they were false.

13. These are just a few examples of why I reject the findings in the document. In due course, I hope to have the opportunity to set out my objections to the Committee's findings in full without demonstrably unfair restrictions placed upon my right challenge them.
Committee comment: If Mr Johnson had submissions about the provisional conclusions and recommendations he should have made them to this Committee and to the House not reserved them for some future discussion of an unspecified nature.

Appendix 1: Photographs of gatherings

This appendix contains a selection of photographs provided to the Committee by the Cabinet Office. The photographs cover gatherings on three dates, 19 June 2020, 13 November 2020 and 14 January 2021.

19 June 2020 gathering



13 November 2020 gathering

14 January 2021 gathering

Appendix 2: Letter from Rt Hon Boris Johnson MP to Sir Charles Walker MP dated 30 March 2023

HOUSE OF COMMONS
LONDON SW1A 0AA

Sir Charles Walker MP House of Comons

London

SW1A 0AA

30 March 2023

Dear Sir Charles,

I am writing to thank you and the members of the Committee of Privileges for providing me with the opportunity to give evidence on Wednesday 22 March.

At the end of the session, Sir Charles and Mr Costa asked me a series of questions regarding comments that have been made about the Committee's work being a "witch hunt" or a "kangaroo court". Having reviewed the transcript, I am concerned that, at the end of what had been a long hearing, I was not emphatic enough in the answers that I provided. As I hope I made clear in those answers, I have the utmost respect for the integrity of the Committee and all its Members and the work that it is doing.

It is of course right to acknowledge that I, along with my lawyers, have raised concerns about the fairness of the process that has been adopted. I think it is impossible for a Committee, however hard its Members try, to perform the roles of investigator, prosecutor and judge/jury. That is of course a separate matter, and participants in any process are entitled to raise such objections. I trust and hope that those objections will be considered and addressed in full on their merits. But that in no sense undermines my trust and belief that the Committee will address the evidence with integrity and with impartiality.

Yours faithfully,

Boris Johnson MP

Appendix 3: Mr Johnson's public statement made on 9 June 2023'

I have received a letter from the Privileges Committee making it clear - much to my amazement - that they are determined to use the proceedings against me to drive me out of Parliament.
They have still not produced a shred of evidence that I knowingly or recklessly misled the Commons.
They know perfectly well that when I spoke in the Commons, I was saying what I believed sincerely to be true and what I had been briefed to say, like any other minister. They know that I corrected the record as soon as possible; and they know that I and every other senior official and minister – including the current Prime Minister and then occupant of the same building, Rishi Sunak – believed that we were working lawfully together.
I have been an MP since 2001. I take my responsibilities seriously. I did not lie, and I believe that in their hearts, the Committee know it. But they have wilfully chosen to ignore the truth, because from the outset, their purpose has not been to discover the truth, or genuinely to understand what was in my mind when I spoke in the Commons.
Their purpose from the beginning has been to find me guilty, regardless of the facts. This is the very definition of a kangaroo court.
Most members of the Committee – especially the chair – had already expressed deeply prejudicial remarks about my guilt before they had even seen the evidence. They should have recused themselves.
In retrospect, it was naïve and trusting of me to think that these proceedings could be remotely useful or fair. But I was determined to believe in the system, and in justice, and to vindicate what I knew to be the truth.
It was the same faith in the impartiality of our systems that led me to commission Sue Gray. It is clear that my faith has been misplaced. Of course, it suits the Labour Party, the Liberal Democrats and the SNP to do whatever they can to remove me from Parliament.
Sadly, as we saw in July last year, there are currently some Tory MPs who share that view. I am not alone in thinking that there is a witch hunt under way, to take revenge for Brexit and ultimately to reverse the 2016 referendum result.
My removal is the necessary first step, and I believe there has been a concerted attempt to bring it about. I am afraid I no longer believe that it is any coincidence that Sue Gray – who investigated gatherings in Number 10 – is now the chief of staff designate of the Labour leader.
Nor do I believe that it is any coincidence that her supposedly impartial chief counsel, Daniel Stilitz KC, turned out to be a strong Labour supporter who repeatedly tweeted personal attacks on me and the government.
When I left office last year, the government was only a handful of points behind in the polls. That gap has now massively widened.
Just a few years after winning the biggest majority in almost half a century, that majority is now clearly at risk.
Our party needs urgently to recapture its sense of momentum and its belief in what this country can do.
We need to show how we are making the most of Brexit and we need in the next months to be setting out a pro-growth and pro-investment agenda. We need to cut business and personal taxes – and not just as pre-election gimmicks – rather than endlessly putting them up.
We must not be afraid to be a properly Conservative government.
Why have we so passively abandoned the prospect of a Free Trade Deal with the US? Why have we junked measures to help people into housing or to scrap EU directives or to promote animal welfare?
We need to deliver on the 2019 manifesto, which was endorsed by 14 million people. We should remember that more than 17 million voted for Brexit.
I am now being forced out of Parliament by a tiny handful of people, with no evidence to back up their assertions, and without the approval even of Conservative party members, let alone the wider electorate.
I believe that a dangerous and unsettling precedent is being set.
The Conservative Party has the time to recover its mojo and its ambition and to win the next election. I had looked forward to providing enthusiastic support as a backbench MP. Harriet Harman's committee has set out to make that objective completely untenable.
The Committee's report is riddled with inaccuracies and reeks of prejudice, but under their absurd and unjust process, I have no formal ability to challenge anything they say.
The Privileges Committee is there to protect the privileges of Parliament. That is a very important job. They should not be using their powers – which have only been very recently designed – to mount what is plainly a political hit job on someone they oppose.
It is in no one's interest, however, that the process the Committee has launched should continue for a single day further.
So I have today written to my Association in Uxbridge and South Ruislip to say that I am stepping down forthwith and triggering an immediate by-election.
I am very sorry to leave my wonderful constituency. It has been a huge honour to serve them, both as Mayor and MP.
But I am proud that after what is cumulatively a 15-year stint, I have helped to deliver, among other things, a vast new railway in the Elizabeth Line and full funding for a wonderful new state of the art hospital for Hillingdon, where enabling works have already begun.
I also remain hugely proud of all that we achieved in my time in office as prime Minister: getting Brexit done, winning the biggest majority for 40 years and delivering the fastest vaccine roll out of any major European country, as well as leading global support for Ukraine.
It is very sad to be leaving Parliament – at least for now – but above all, I am bewildered and appalled that I can be forced out, anti-democratically, by a committee chaired and managed, by Harriet Harman, with such egregious bias.

Formal minutes

Tuesday 13 June 2023
[Afternoon meeting]

Members present:
Ms Harriet Harman, in the Chair Andy Carter
Alberto Costa Allan Dorans Yvonne Fovargue Sir Bernard Jenkin Sir Charles Walker

Draft Report [*Matter referred on 21 April: (Conduct of Rt Hon Boris Johnson): Final Report*], proposed by the Chair, brought up and read.
Ordered, That the draft Report be read a second time, paragraph by paragraph. Paragraphs 1 to 228 read and agreed to.
Paragraph 229 read.
Amendment proposed, in line 7, to leave out "suspended from the service of the House for 90 days" and insert "expelled from the House". (Allan Dorans.)
Question put, That the Amendment be made. The Committee divided.

Ayes, 2	Noes, 4
Allan Dorans	Andy Carter
Yvonne Fovargue	Alberto Costa
	Sir Bernard Jenkin
	Sir Charles Walker

Question accordingly negatived. Paragraph agreed to.
Annexes 1, 2 and 3 agreed to.
Papers were appended to the Report as Appendices 1, 2 and 3.

Summary agreed to.
Resolved, That the Report be the Fifth Report of the Committee to the House.
Ordered, That the Chair make the Report to the House.
The following written evidence was ordered to be reported to the House for publication. Rt Hon Boris Johnson MP (BJS0003)
Rt Hon Boris Johnson MP (BJS0004)
Further opinion of Lord Pannick KC and Jason Pobjoy
Response of Sir Ernest Ryder, Legal Adviser to the Committee, to the Third Opinion of Lord Pannick KC and Jason Pobjoy
Additional material not previously published relied upon in the Committee's Fifth Report, Session 2022–23

Adjournment
The Committee adjourned.

Witness

The following witness gave evidence. Transcripts can be viewed on the inquiry publications page of the Committee's website.

Wednesday 22 March 2023
Rt Hon Boris Johnson MP
Q1–154

Published written evidence

The following written evidence was received and can be viewed on the inquiry publications page of the Committee's website.
1. Rt Hon Boris Johnson MP (BJS0002)
2. Rt Hon Boris Johnson MP (BJS0003)
3. Rt Hon Boris Johnson MP (BJS0004)
Further evidence published under the correspondence section of the Committee's website relevant to this Report:
4. Further opinion of Lord Pannick KC and Jason Pobjoy
5. Response of Sir Ernest Ryder, Legal Adviser to the Committee, to the Third Opinion of Lord Pannick KC and Jason Pobjoy
6. Additional material not previously published relied upon in the Committee's Fifth Report, Session 2022-23
7. Core evidence bundle materials: Material to be relied upon by the Committee of Privileges and Rt Hon Boris Johnson MP in the oral evidence session of the Committee on 22 March 2023

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

Session 2022–23

Number	Title	Reference
1st	Select committees and contempts: review of consultation on Committee proposals	HC 401
2nd	Matter referred on 21 April 2022: proposed conduct of inquiry	HC 632
3rd	Matter referred on 21 April 2022: comments on joint opinion of Lord Pannick QC and Jason Pobjoy	HC 713
4th	Matter referred on 21 April 2022: summary of issues to be raised with Mr Johnson	HC 1203

Session 2019–21

Number	Title	Reference
1st	Select committees and contempts: clarifying and strengthening powers to call for persons, papers and records	HC 350