

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 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:

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

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

- a) we gave him notice in our Fourth Report of the likely issues arising out of the evidence we had received
- b) we looked at each disputed question
- c) we put that dispute to him in the oral hearing
- d) 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:

- a) what he would have known about because he was there
- b) what he saw
- c) what was said
- d) what the gathering was for
- e) 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:

- a) 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.

- b) 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.
- c) 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.
- d) 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.