



House of Commons
Committee of Privileges

Matter referred on 21 April 2022: summary of issues to be raised with Mr Johnson

Fourth Report of Session 2022–23

*Report, together with formal minutes relating
to the report*

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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.

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Committee staff

The current staff of the Committee are Miguel Boo Fraga (Committee Operations Manager), Paul Connolly (Media Officer), Arvind Gunnoo (Committee Operations Officer), Dr Robin James (Clerk), Robi Quigley (Second Clerk), Duncan Sim (Committee Specialist) and Mike Winter JP (Chair Support Officer).

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1 Report

Introduction

1. This report sets out next steps in our inquiry¹ into whether the Rt Hon Boris Johnson MP misled the House of Commons and, if so, whether he committed a contempt. The report will enable Mr Johnson to have notice before he gives oral evidence to us of the principal issues that the Committee may raise with him. This was requested by his legal advisers. We have issued this report to Parliament, on whose behalf we are conducting this inquiry. We are doing so in public because we are committed to transparency, and because this is a matter of public interest. The conclusions in this report are not the final conclusions of our inquiry. We will reach those only when we have heard oral evidence from Mr Johnson.

2. It is the House, not the Privileges Committee, that decides whether the Committee should conduct an inquiry. When the House has decided to refer a matter, it is for the Committee to conduct an inquiry according to the rules and procedures which are laid down by the House through resolution and precedent. The Committee does not make the rules and does not have the discretion to refuse to inquire. We follow the rules of the House. The Committee is required to conduct its own investigation into the matter referred, and must provide the subject of the inquiry the opportunity to see the results of the investigation. That is the purpose of this Report.

3. The members of the Privileges Committee are Members of Parliament who have been appointed to this role by the House. The political balance on the Committee reflects the political balance in the House. Presently there are four members of the governing party and three members drawn from opposition parties. There are four Conservative MPs, two Labour MPs and one MP from the Scottish National Party. By convention the Committee is chaired by an MP drawn from the official opposition. The Rt Hon Harriet Harman KC MP was appointed by the House to the Committee on 14 June 2022 in place of Sir Chris Bryant MP, and chosen by the Committee as its Chair on 29 June.

4. There is a fundamental expectation that members of the Committee leave their party interests at the door of the committee room and conduct their work in the interests of the House not their party. That is what each member of the Committee has done in this inquiry.

1 The inquiry was referred to the Committee of Privileges by the House of Commons without division on 21 April 2022. The terms of the House's resolution are:

That this House

(1) notes 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 "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; and

(2) orders that this matter be referred to the Committee of Privileges to consider whether the Rt hon Member's conduct amounted to a contempt of the House, but that the Committee shall not begin substantive consideration of the matter until the inquiries currently being conducted by the Metropolitan Police have been concluded.

Our inquiry

5. The resolution of the House laid down that the inquiry should commence only when the Metropolitan Police had completed their investigations. After that was done and the Second Permanent Secretary at the Cabinet Office had published the findings of her investigation into alleged gatherings on government premises during Covid restrictions,² and after the Committee had concluded its inquiry into a matter previously referred by the House,³ we began our work on 29 June 2022. We have sought to do that as expeditiously as possible, while ensuring that our inquiry is rigorous and thorough. Our inquiry was initially held up by a reluctance on the part of the Government to provide unredacted evidence (as we set out in paragraph 12 below).

6. This inquiry is considering:

- What Mr Johnson said to the House
- Whether what he said was correct or whether it was misleading
- How quickly and comprehensively any misleading statement to the House was corrected, and
- If it is established that the House was misled, whether this actually constituted a contempt of the House by impeding the functions of the House or tending to do so.

If a statement was misleading, we will consider whether that was inadvertent, reckless or intentional.⁴ If we conclude it was in any way reckless or intentional we will consider what sanction to recommend to the House. It will be for the House to decide whether to accept or reject our conclusions and recommendations. There has been some misinformed speculation in the media that the Committee will not be concerned with issues of intention or recklessness; that is incorrect.

7. We are not conducting an investigation into “partygate” or the culture and behaviour of No. 10 and officials who worked there over the relevant period. While we are concerned to establish the facts of what occurred in No. 10 for the purpose of discharging our obligation under the terms of the House’s resolution, we are not repeating the inquiry which was conducted by the Metropolitan Police or the investigation conducted by the Second Permanent Secretary. The issuing by the Metropolitan Police of 126 fixed penalty notices and the findings in the Second Permanent Secretary’s report are relevant facts which the Committee will take into account.⁵ Our inquiry has not considered the conduct of any individual other than Mr Johnson, because our mandate from the House is to look specifically at Mr Johnson’s conduct.

2 GOV.UK, [Findings of the Second Permanent Secretary’s Investigation into alleged gatherings on government premises during Covid restrictions](#), 25 May 2022

3 First Report of Session 2022–23, [Select committees and contempts: review of consultation on Committee proposals](#), HC 401, 16 June 2022

4 We emphasise that the Committee is not a court of law, it is a select committee of Parliament, and its processes are parliamentary rather than forensic. The Committee will adopt plain-English definitions of key concepts as used in a parliamentary context.

5 GOV.UK, [Findings of the Second Permanent Secretary’s Investigation into alleged gatherings on government premises during Covid restrictions](#), 25 May 2022, pp2–3 and pp36–37

8. The expectation is that when the House hears from Ministers, what it hears is the truth as far as the Minister knows it. The House considers legislation and scrutinises government activity on the basis that what it is told is accurate. Parliament expects and requires proactive candour and transparency. This is what is necessary for the House to do its job properly. If a Minister makes an inadvertent error they are expected to correct it at the earliest opportunity. Mistakes inevitably happen and corrections are made routinely. There are, every year, roughly 100 corrections per year by Ministers who have inadvertently misled the House.⁶ The more important the issue, the more seriously the House will take any question of misleading.

9. Contempt of the House of Commons is governed by parliamentary law and customs as set out in the resolutions of the House and in parliamentary precedent. We have scrupulously observed the House's practice and are grateful for the authoritative advice of the strictly impartial Clerks of the House and the Rt Hon Sir Ernest Ryder, whom we appointed as our legal adviser⁷ and who is the former Senior President of Tribunals and a Lord Justice of Appeal. We have followed that advice at all times. Our approach has been to apply the parliamentary rules to this inquiry and to be fair to Mr Johnson with the objective of ensuring that the rules of the House are respected and complied with by all Members.

10. Neither parliamentary law nor the procedure of the Committee is the same as that used in a court. Contempt of the House is different from contempt of court and is governed by parliamentary rules and precedent rather than by statute and judicial precedent. Decisions made about questions of parliamentary privilege involving Members of Parliament are not made by judges in the courts or by the Prime Minister as the head of Government, they are made by elected Members of Parliament. A Privileges Committee inquiry is also separate from the Ministerial Code which is the responsibility of the Prime Minister. They are not the same and they have evolved in different ways over time for different reasons. We are not adjudicating on whether there has been a breach of the Ministerial Code. The Committee has taken steps to ensure that its procedures and practice are in accord with the principles of fairness and natural justice. Select Committees have their

6 There were 122 and 100 formal Written Ministerial Corrections in Session 2021–22 and 2019–21 respectively. Corrections outside the scope of this formal mechanism may also be made by Ministers via alternative routes such as written ministerial statements. See: Written Evidence to the Procedure Committee from the Clerk of the House ([CTR0006](#), para 12), for its current inquiry into Correcting the Record

7 In December 2021 the Committee on Standards commissioned Sir Ernest Ryder to conduct a review of fairness and natural justice in the House's standards system. His review was published in March 2022; following a public consultation the Committee endorsed Sir Ernest's recommendations in a report published in May 2022, and the House endorsed his key proposals in October 2022. See Committee on Standards, [Sixth Report of Session 2021–22](#), Review of fairness and natural justice in the House's standards system (HC 1183), 4 March 2022; Committee on Standards, [First Report of Session 2022–23](#), New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament (HC 227), 24 May 2022; [Votes and Proceedings](#), 18 October 2022, item 10. On 29 June 2022 the Committee of Privileges appointed Sir Ernest as its Legal Adviser, pursuant to Standing Order No. 148A(5)(b).

own procedures which we have followed. We have set out those procedures as they relate to this inquiry in our reports of July⁸ and September⁹ 2022.¹⁰ We have done all we can to ensure the fairness of our process.

11. The Committee issued a public call for evidence on 30 June 2022. On 14 July, the Committee wrote to Mr Johnson to request that he supply it with materials in the 12 categories of evidence that we have identified, insofar as such documents were in his possession.¹¹ The Committee further wrote to Mr Johnson on 21 July, inviting him to provide an initial submission in writing concerning the allegations set out in the House's resolution of 21 April and to identify any witnesses that he believed could give relevant evidence to the Committee. On 12 August, Mr Johnson replied to our letter of 14 July and stated that, in relation to the Committee's request for documents held in his personal possession, he held no relevant material. Mr Johnson has not provided us with a written submission as we invited in our letter of 21 July.

12. The Committee wrote to the Government on 14 July, in the same terms as it wrote to Mr Johnson on that date, to request relevant materials in its possession.¹² The Government responded to our request by providing, on 24 August, documents which were so heavily redacted as to render them devoid of any evidential value. Some material had been redacted even though it was already in the public domain. Following further engagement between the Committee and Ministers and senior officials, which took some months, unredacted disclosure of all relevant material was finally provided on 18 November. We have gone to great lengths to protect this information which the Government has entrusted to Parliament.¹³ This included records in the investigation by the Second Permanent Secretary, Mr Johnson's official diaries of appointments and visits, relevant emails between officials, and photographs of gatherings in No 10 Downing Street and the Cabinet Office, all unredacted.

13. Receipt of that material from the Government provided the basis for the Committee to ask for written evidence from 23 witnesses on 24 January 2023, asking them to provide their evidence supported by a statement of truth which is equivalent to an oral statement under oath. The Committee has now received and considered this further written evidence.

14. On 19 January 2023, in response to a direct and specific request by the Committee for all relevant WhatsApp messages, Mr Johnson's solicitors supplied us with 46 WhatsApp messages between Mr Johnson and five other individuals.

8 [Second Report of Session 2022–23](#), Matter referred on 21 April 2022: proposed conduct of inquiry, HC 632, 21 July 2022

9 [Third Report of Session 2022–23](#), Matter referred on 21 April 2022: comments on joint opinion of Lord Pannick KC and Jason Pobjoy, HC 713, 26 September 2022

10 In particular, it should be noted that our procedures are investigative not adversarial and so, for example, lawyers are not permitted to address the Committee on behalf of their clients although lawyers may advise them. The September report included our responses to arguments put forward by Mr Johnson's legal advisers; see GOV.UK, [Legal Opinion by Lord Pannick KC relating to the Privileges Committee](#), 2 September 2022

11 [Correspondence from the Chair to Rt Hon Boris Johnson MP](#), dated 14 July [published 15 July]

12 [Correspondence from the Chair to the Cabinet Secretary Simon Case](#), dated 14 July [published 15 July]

13 By decision of the Committee, members of the Committee, including the Chair, have had access to confidential unredacted material supplied by the Government only in hard copy, in a secure reading room on the parliamentary estate, invigilated by Committee staff; they have been permitted to take notes but not photographs or photocopies of the documents.

15. Mr Johnson’s solicitors have written to us about the Committee’s procedures.¹⁴

16. We are making available to Mr Johnson, in addition to a copy of this report: all of the written statements we have received; all the documents and photographs which the Government has provided to us; and the interview notes taken during the Second Permanent Secretary’s investigation. We have made no redactions in any of this material. For the avoidance of doubt, all evidence received by the Committee will be disclosed, and the identities of all witnesses will be disclosed to Mr Johnson. Some witnesses have requested that their identities are not made known to the public at large. The Committee will consider these requests in due course.

Principal issues to be raised with Mr Johnson

17. We set out below the principal issues to which we will be asking Mr Johnson to respond in oral evidence.

18. On the basis of information that is in the public domain and evidence the Committee has received, we will consider:

- The rules and guidance relating to Covid that were in force at the relevant time
- Mr Johnson’s knowledge of the rules and guidance in force
- Mr Johnson’s attendance at gatherings that were not socially distanced and those for which fixed penalty notices were issued

We will compare that with what Mr Johnson said to the House of Commons, particularly on 1 December 2021, 8 December 2021, and subsequently.

19. Over the period from May 2020 to April 2021 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. Between May 2020 and April 2021, workplace guidance specified maintaining social distancing where possible. 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.¹⁵

20. Mr Johnson’s knowledge of the rules and guidance is evidenced by the continuous statements he made at press conferences and to the House outlining and reaffirming rules and guidance that were in force at the time. A selection of these statements includes:

- On 11 May 2020, Mr Johnson said in the House that people should be “limiting contact with others [and] keeping your distance to 2 metres apart where possible”, and that “we are working together as a country to obey the social distancing

¹⁴ As part of this correspondence, Mr Johnson’s solicitors submitted to the Committee a further opinion by Lord Pannick KC and Mr Pobjoy in response to the Committee’s Third Report, Session 2022–23, Matter referred on 21 April 2022: comments on joint opinion of Lord Pannick KC and Jason Pobjoy. The Committee has published [Lord Pannick and Mr Pobjoy’s further opinion](#) on its website. The Committee has nothing further to add to its comments in the Third Report.

¹⁵ Evidence received from the Cabinet Office on 21 December 2022 [evidence not yet published but being disclosed to Mr Johnson]

rules, which everybody understands”.¹⁶ He also noted that the Government was introducing covid guidance for workplaces, saying: “If you must go to work and cannot work from home, you should do so, provided [...] that your workplace is covid secure, and that you observe the rules on social distancing. We are publishing further guidance on that”.¹⁷

- On 10 June 2020, at a Covid press conference, Mr Johnson said: “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.”¹⁸
- On 9 November 2020, at a Covid press conference shortly after the introduction of a second national lockdown, Mr Johnson said that: “Neither mass testing nor progress on vaccines [...] are at the present time a substitute for the national restrictions, for social distancing, for hand hygiene and all the rest. So it is all the more important to follow the rules.”¹⁹
- On 30 December 2020, at a Covid press conference, Mr Johnson outlined the ‘Tier 4’ restrictions which had recently been imposed on several areas of England, and which were analogous to the national lockdown restrictions subsequently imposed in January 2021, saying: “That means 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.”²⁰

21. There is evidence that a culture of drinking in the workplace in some parts of No. 10 continued after Covid restrictions began, and that events such as birthday parties and leaving parties for officials continued in No. 10 despite workplace guidance on social distancing and regulations imposing restrictions on gatherings. In particular, the events

16 HC Deb (2019–21) 676, [c 27](#)

[Boris Johnson] “Let me summarise by saying that people should stay alert by working from home if you possibly can, by limiting contact with others, by keeping your distance to 2 metres apart where possible and by washing your hands regularly. If you or anyone in your household has symptoms, you all need to self-isolate. If everyone stays alert and follows the rules, we can control the virus, keep the rate of infection down and keep the number of infections down. That is how we will be able to save lives and to save livelihoods as we begin to recover from coronavirus.”

HC Deb (2019–21) 676, [c 30](#)

[Boris Johnson] “Perhaps I can sum up. We all share the strong view that people should stay at home if they can, and that remains the position. The steps we are taking today are modest, and entirely governed by the science [...] But let us be clear: everybody understands what we are trying to do together. 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.”

17 HC Deb (2019–21) 676, [c 42](#)

[Bill Esterson] “[...] Will he take on board the concerns voiced by unions, workers and employers? Will he tell us how he will enforce those guidelines to keep people safe? Will he say how workers will be able to voice their concerns about their safety at work?”

Boris Johnson] “[...] Now is the time to make small, calibrated changes, respectful always of the science and the risk of a second spike. That is why we are emphasising that if you must go to work and cannot work from home, you should do so, provided—the hon. Gentleman is right to draw attention to this—that your workplace is covid secure, and that you observe the rules on social distancing. We are publishing further guidance on that.”

18 GOV.UK, [Prime Minister’s statement on coronavirus \(COVID-19\): 10 June 2020](#), 10 June 2020

19 GOV.UK, [Prime Minister’s statement on coronavirus \(COVID-19\): 9 November 2020](#), 9 November 2020

20 GOV.UK, [Prime Minister’s statement on coronavirus \(COVID-19\): 30 December 2020](#), 30 December 2020

that continued included Friday evening drinks gatherings in the Press Office area.²¹ Mr Johnson is said by witnesses to have seen Press Office gatherings on his way to the No. 10 flat, and to have occasionally joined these gatherings when his attendance had not been planned.²² We conducted a site visit to No. 10 Downing Street on 21 February 2023, at which we confirmed that a line of sight exists from the bottom of the stairs leading up to what was then Mr Johnson's flat into the Press Office vestibule where these gatherings took place, and that for Mr Johnson to have been present in the vestibule during the gatherings he would have had to proceed from the staircase through a further intervening anteroom.

22. On 20 May 2020, when the rules and guidance in force for the prevention of the spread of Covid included restrictions on gatherings of more than two people and maintaining social distancing of 2 metres in the workplace wherever possible,²³ Mr Johnson attended a gathering in the garden of No 10 which was attended by 30 to 40 people.²⁴ The invitation list was extensive and the planning and communications are evidence that the purpose of the gathering was social.²⁵ Alcohol was provided by staff.²⁶ Fixed penalty notices were issued to a number of those who attended.

23. On 19 June 2020, when 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

21 GOV.UK, [Findings of the Second Permanent Secretary's Investigation into alleged gatherings on government premises during Covid restrictions](#), 25 May 2022, pp 29:

"The investigation was told that members of the Press Office have, for some time (including before the pandemic), brought in wine on Fridays to mark the end of the week. This was known as 'Wine Time Friday' where bottles of wine were placed on a table in a small room adjacent to the main Press Office and people could help themselves."

22 Written evidence submission received 6 February 2023; Notes of interviews conducted as part of the Second Permanent Secretary's investigation into alleged gatherings on government premises during covid restrictions [evidence not yet published but being disclosed to Mr Johnson]

23 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.

24 GOV.UK, [Findings of the Second Permanent Secretary's Investigation into alleged gatherings on government premises during Covid restrictions](#), 25 May 2022:

"It has been difficult to ascertain exact numbers in attendance, but it is likely that there were approximately 30–40 people in the garden."

25 GOV.UK, [Findings of the Second Permanent Secretary's Investigation into alleged gatherings on government premises during Covid restrictions](#), 25 May 2022:

"The email invitation was sent to a number of group distribution lists, as well as individuals, comprising in total around 200 staff across No 10 Downing Street. The invitation was also sent to special advisers in the Chancellor's office and a member of staff in the No 10 Covid-19 Coordination unit. Martin Reynolds also sent a separate email invitation to other senior officials"; and the email issued on behalf of Martin Reynolds which said "Hi all, After what has been an incredibly busy period we thought it would be nice to make the most of this lovely weather and have some socially distanced drinks in the garden this evening. Please join us from 6pm and bring your own booze!"

26 GOV.UK, [Findings of the Second Permanent Secretary's Investigation into alleged gatherings on government premises during Covid restrictions](#), 25 May 2022:

"Drinks and pizza were provided and paid for by staff." 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!"

maintaining social distancing in the workplace of 2 metres wherever possible,²⁷ Mr Johnson attended a gathering in the Cabinet Room to celebrate his birthday. A cake and alcohol were provided. The attendees included individuals who were not work colleagues of Mr Johnson.²⁸ Some attendees, including Mr Johnson, received fixed penalty notices in relation to this event. The event was neither “reasonably necessary for work purposes” nor socially distanced. Photographs were taken of the event which the Committee has received.²⁹

24. On 13 November 2020, when 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,³⁰ Mr Johnson attended an impromptu leaving gathering in the vestibule of the Press Office. Mr Johnson joined the gathering and made a speech.³¹ Photographs were taken of the event which the Committee has received.³² The photographs show that there was no social distancing.

25. On 27 November 2020, when 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

27 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.

28 GOV.UK, [Findings of the Second Permanent Secretary’s Investigation into alleged gatherings on government premises during Covid restrictions](#), 25 May 2022:

“A number of individuals gathered in the Cabinet Room in No 10 Downing Street to wish the Prime Minister a happy birthday. Food, alcohol and soft drinks were provided, having been organised in advance that morning ... Those attending included No 10 officials and Mrs Johnson.”

29 See Appendix for photographs

30 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.

31 GOV.UK, [Findings of the Second Permanent Secretary’s Investigation into alleged gatherings on government premises during Covid restrictions](#), 25 May 2022, pp 18:

The Prime Minister attended on his way to his Downing Street flat, having left his office at 19.17. He went to the Press Office area, joined the gathering and made a leaving speech for Lee Cain.”

32 See Appendix for photographs

workplace wherever possible,³³ Mr Johnson attended and gave a speech at a gathering in the vestibule of the No. 10 Press Office to thank a member of staff who was leaving.³⁴ We received evidence that there was no social distancing and people were standing 4–5 deep.³⁵ We received evidence that Mr Johnson said that it was “probably the most unsocially distanced gathering in the UK right now”.³⁶

26. On 18 December 2020, when 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,³⁷ Mr Johnson was present in No 10. The Press Office held a ‘cheese and wine Friday’ which was neither socially distanced³⁸ nor reasonably necessary for work purposes. It was billed as a Christmas gathering and between 20 and 45 people attended.³⁹ Fixed penalty notices were issued to some of those who attended.

33 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 27 November 2020.

34 GOV.UK, [Findings of the Second Permanent Secretary’s Investigation into alleged gatherings on government premises during Covid restrictions](#), 25 May 2022, pp 19:

“The Prime Minister finished a meeting at 18.19 and then attended the Press Office to say goodbye. He remained for a short time, saying a few words of thanks and 20 farewell, before returning to his office for his next meeting which was scheduled for 18.45. The special adviser left the building by 18.58.”

35 Written evidence submission received 7 February 2023 [evidence not yet published but being disclosed to Mr Johnson]

“It must have been about 4 deep, where the press office moved into this offending room, I remember vividly that it was about 4–5 people deep.”

36 Written evidence submission received 7 February 2023 [evidence not yet published but being disclosed to Mr Johnson]

“I do remember him saying “this is probably the most unsocially distanced gathering in the UK right now”.

37 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.

38 GOV.UK, [Findings of the Second Permanent Secretary’s Investigation into alleged gatherings on government premises during Covid restrictions](#), 25 May 2022; Written evidence submission received 24 January 2023 [evidence not yet published but being disclosed to Mr Johnson]

39 GOV.UK, [Findings of the Second Permanent Secretary’s Investigation into alleged gatherings on government premises during Covid restrictions](#), 25 May 2022; Written evidence submission received 7 February 2023; Written evidence submission received 24 January 2023 [evidence not yet published but being disclosed to Mr Johnson]

27. On 14 January 2021, when 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,⁴⁰ Mr Johnson attended and gave a speech at a leaving gathering for two officials involving 15–20 people.⁴¹ The photographs show Mr Johnson in attendance.⁴² Fixed penalty notices were issued to staff for this event.

28. On 1 December 2021, Mr Johnson told the House: “All guidance was followed completely in No. 10”.⁴³ We will consider why Mr Johnson told the House that no guidance had been broken in No. 10 when he knew what the guidance was and was in attendance at gatherings where the guidance was breached; and why he failed to tell the House about the gatherings at which he had been present.

29. On 8 December 2021, Mr Johnson told the House: “The guidance was followed and the rules were followed at all times”.⁴⁴ We will consider why Mr Johnson told the House that no rules or guidance had been broken in No. 10 when he knew what the rules and guidance were and was in attendance at gatherings where the rules and guidance were breached; and why he failed to tell the House about the gatherings at which he had been present.

30. On 8 December 2021, Mr Johnson told the House “I have been repeatedly assured since these allegations emerged that there was no party and that no Covid rules were

40 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.

41 GOV.UK, [Findings of the Second Permanent Secretary’s Investigation into alleged gatherings on government premises during Covid restrictions](#), 25 May 2022; Notes of interviews conducted as part of the Second Permanent Secretary’s investigation into alleged gatherings on government premises during covid restrictions [evidence not yet published but being disclosed to Mr Johnson]

42 See Appendix for photographs.

43 HC Deb (2021–22) 704, [c 909](#)

[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.”

44 HC Deb (2021–22) 705, [c 379](#)

[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.”

broken”;⁴⁵ and that “I have been repeatedly assured that the rules were not broken”.⁴⁶ We will examine the basis of his assertion that he had received “repeated assurances” that all rules had been complied with to discover why he sought to rely on purported assurances from others when he was there at gatherings in question. We will consider why he said he had been given repeated assurances when the evidence is that the assertion that all rules were followed was taken primarily from a line-to-take developed by the Director of Communications at No. 10, a special adviser appointed by Mr Johnson, as a response to a media enquiry about specific gatherings rather than having been a general assurance as to the fact that no guidance or rules were broken in No. 10.⁴⁷

31. 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”.⁴⁸ 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”;⁴⁹ he also repeatedly urged Members to “wait” for the inquiry to be concluded in response to Members’ questions about what had happened

45 HC Deb (2021–22) 705, [c 372](#)

[Boris Johnson] “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.”

46 HC Deb (2021–22) 705, [c 372](#)

[Keir Starmer] “Last week, I asked the Prime Minister: was there “a Christmas party...in Downing Street for dozens of people on 18 December?”. 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 [...] I have asked the Cabinet Secretary to investigate exactly what happened, and I repeat that there will be consequences for those involved if the rules were broken.”

47 Written evidence submission received 1 March 2023 [evidence not yet published but being disclosed to Mr Johnson].

See also, written evidence submission received 7 February 2023 [evidence not yet published but being disclosed to Mr Johnson]: “To the best of my recollection Mr Johnson’s Director of Communications agreed the statement directly with Mr Johnson”

48 HC Deb (2021–22) 705 [cc1050–1051](#)

Keir Starmer] “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.”

N.B. on 17 December 2021 the Cabinet Secretary, Simon Case, recused himself from leading the investigation into alleged gatherings on government premises during Covid restrictions. The investigation was subsequently led by the Second Permanent Secretary at the Department for Levelling Up, Housing and Communities, Sue Gray.

49 HC Deb (2021–22) 706 [cc562–563](#)

[Boris Johnson] “[...] No. 10 is a big department, with the garden as an extension of the office, which has been in constant use because of the role of fresh air in stopping the virus. 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 [...] 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. I will of course come back to this House and make a statement.”

and the implications for his position as Prime Minister.⁵⁰ He further urged Members to wait for the inquiry's conclusion in similar terms on 19 January.⁵¹ He did not reveal to the House what he knew when he answered direct questions about his knowledge, instead saying that he would have to wait for the outcome of the Second Permanent Secretary's investigation. The Committee will want to hear from Mr Johnson why, instead of correcting the record at the earliest opportunity, he declined to answer questions that were within his direct knowledge, instead telling the House to await the report of the Second Permanent Secretary.

32. There is evidence that the House of Commons may have been misled in the following ways which the Committee will explore:

- a) It may have been misled when Mr Johnson said on 8 December 2021 that no rules or guidance had been broken in No. 10. The Second Permanent Secretary

50 See for example:

HC Deb (2021–22) 706 [c564](#)

[Keir Starmer] “[...] 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] “[...] 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, but 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.”

HC Deb (2021–22) 706 [cc572–573](#)

[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 points again.”

51 See for example:

HC Deb (2021–22) 707 [c321](#)

[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.”

HC Deb (2021–22) 707 [c323](#)

[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.”

HC Deb (2021–202) 707 [c323](#)

[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.”

and the Metropolitan Police have already come to the conclusion that was not correct, including in relation to specific gatherings for which Mr Johnson asserted this was the case.⁵²

- b) It may have been misled when Mr Johnson failed to tell the House about his own knowledge of the gatherings where the rules or guidance had been broken. That is because there is evidence that he attended them.⁵³
- c) It may have been misled when Mr Johnson said on 8 December 2021 that he relied upon repeated assurances that the rules had not been broken. Initial evidence to us suggested 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.⁵⁴ However, we note that:
 - i) Mr Johnson had personal knowledge about gatherings which he could have disclosed, although his personal knowledge about the gathering of 18 December 2020 may have been limited as he did not personally attend.
 - ii) We have received evidence 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).⁵⁵
 - 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. We have received no evidence that an assurance was provided in relation to the specific gatherings of 20 May 2020, 19 June 2020, 13 November 2020, 27 November 2020 and 14 January 2021.

52 GOV.UK, [Findings of the Second Permanent Secretary's Investigation into alleged gatherings on government premise during Covid restrictions](#), 25 May 2022:
 "Whatever the initial intent, what took place at many of these gatherings and the way in which they developed was not in line with Covid guidance at the time. Even allowing for the extraordinary pressures officials and advisers were under, the factual findings of this report illustrate some attitudes and behaviours inconsistent with that guidance."

53 See Appendix for photographs of Mr Johnson's attendance of gatherings

54 Notes of interviews conducted as part of the Second Permanent Secretary's Investigation into alleged gatherings on government premises during Covid restrictions, 14 January 2021 and undated [evidence not yet published but being disclosed to Mr Johnson]

55 Written evidence submission received 1 March 2023 [evidence not yet published but being disclosed to Mr Johnson] evidence not yet published but being disclosed to Mr Johnson
 "Don't think I advised the PM to say that — I mean that the socially distancing guidelines — to say they were followed completely, they are difficult things to say"
 Written evidence submission received 1 March 2023 [evidence not yet published but being disclosed to Mr Johnson]
 "Evidence we have received from the Cabinet Office shows that you and others attended an "office meeting" with Mr Johnson on the morning of 1 December 2021, on which date Mr Johnson told the House of Commons "all guidance was followed in No. 10". Was there discussion in this meeting of the following points [...] ii. Whether Covid Guidance was adhered to at all times in No. 10
 I do not believe we discussed this with Mr Johnson during the meeting"
 "Evidence we have received from the Cabinet Office shows that you and others attended two "catch up" meetings with Mr Johnson on 8 December 2021, on which date Mr Johnson told the House [...] that "the guidance was followed and the rules were followed at all times". Was there discussion in this meeting of the following points [...] ii. Whether Covid Guidance was adhered to all times in No. 10
 I did not advise the PM to say this, no"

- 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 as a media line to take.⁵⁶
- v) The initial purported assurance came from the Director of Communications at No. 10, a special adviser appointed by Mr Johnson, not a permanent civil servant.
- vi) The purported assurances consisted only of what those individuals themselves believed about the compliance of the gathering of 18 December 2020 with the rules.

Whether those who gave these purported assurances to Mr Johnson ever intended for him to rely upon them in the House, and whether it was appropriate for Mr Johnson to do so, is a question the Committee will want to consider.

- d) It may have been misled when Mr Johnson 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 appears to have had personal knowledge that he did not reveal.

33. It appears that Mr Johnson did not correct the statements that he repeatedly made and did not use the well-established procedures of the House to correct something that is wrong at the earliest opportunity.

- On 19 April 2022 Mr Johnson acknowledged to the House that rules had not been followed at his birthday gathering on 19 June 2020 for which Mr Johnson and others received fixed penalty notices.⁵⁷

56 Written evidence submission received 1 March 2023 [evidence not yet published but being disclosed to Mr Johnson], WhatsApp messages:
 [Director of Communications, 30/11/2021, 16:13:16] "Can you pull together our best possible defence on this one. I don't know what we say about the flat"
 [No. 10 official, 30/11/2021, 16:13:47] "Don't we just do a generic line and not get into whether there was a drinks thing or not"
 [No. 10 official, 30/11/2021, 16:14:16] "'Covid rules have been followed at all times' or something"
 [Director of Communications, 30/11/2021, 16:14:18] "I think we have to say something as robust as we can manage but see what you think"
 Written evidence submission received 1 March 2023 [evidence not yet published but being disclosed to Mr Johnson]
"Evidence we have received from the Cabinet Office shows that you and others attended an "office meeting" with Mr Johnson on the morning of 1 December 2021, on which date Mr Johnson told the House of Commons "all guidance was followed in No. 10". Was there discussion in this meeting of the following points [...]
iii. Whether parties were held in No. 10 during the period of Covid restrictions
 Part of the lobby script agreed between myself and [No. 10 official] was to deny that the events described in the Mirror article were 'a party'
iv. How Mr Johnson should respond to any questions relating to media reports of breaches of covid rules and guidance in No. 10
 The line issued to the Mirror became the basis of the proposed statement for the Prime Minister to deploy at PMQs."

57 HC Deb (2021–22) 712, [c 48](#)
 [Boris Johnson] "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."

- On 25 May 2022 he made a statement after the Second Permanent Secretary’s report had been published. That statement maintained that the gatherings which Mr Johnson attended had not been found to be outside of the rules at the time he attended them. His purported correction did not set out his own knowledge of the gatherings.⁵⁸

The evidence strongly suggests that breaches of guidance would have been obvious to Mr Johnson at the time he was at the gatherings.⁵⁹ There is evidence that those who were advising Mr Johnson about what to say to the press and in the House were themselves struggling to contend that some gatherings were within the rules.⁶⁰

- The Director of Communications stated in a WhatsApp of 25 January 2022 to a No. 10 official in relation to the gathering of 19 June 2020 that “Haven’t heard any explanation of how it’s in the rules”.⁶¹
- In a separate WhatsApp exchange with a No. 10 official of 25 January 2022 in relation to the gathering of 19 June 2020, the Director of Communications stated: “I’m struggling to come up with a way this one is in the rules in my head”, and

58 HC Deb (2022–23) 715, [cc295–296](#)

[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. Let me come to that, Mr Speaker. 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. I am trying to explain the reasons why I was there, Mr Speaker. 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 have to tell the House, because the House will need to know this—again, this is not to mitigate or to extenuate—that 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 [...] 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.”

59 For example see Appendix for photographs of Mr Johnson’s attendance of gatherings

60 Written evidence submission received 1 March 2023 [evidence not yet published but being disclosed to Mr Johnson], WhatsApp message:

[No. 10 official, 28/04/2021, 16:47:12] “[No. 10 official]’s worried about leaks of PM having a piss up and to be fair I don’t think it’s unwarranted”

61 Written evidence submission received 1 March 2023 [evidence not yet published but being disclosed to Mr Johnson], WhatsApp messages:

[Director of Communications, 25/01/2022, 06:54:30] “Have we had any legal advice on the birthday one?”

[...] [Director of Communications, 25/01/2022, 06:55:06] “Haven’t heard any explanation of how it’s in the rules”

in response to a suggestion that they describe the event as “reasonably necessary for work purposes”, “not sure that one works does it. Also blows another great gaping hole in the PM’s account doesn’t it?”.⁶²

Next steps

34. We have written to Mr Johnson to confirm a date on which he will give oral evidence to us, and to offer him the opportunity to publish a written submission, if he so chooses, in response to the issues raised in this report and the contents of the evidence we have disclosed to him. He has been given a period of not less than two weeks in which to assess the report and evidence before he gives oral evidence. Following Mr Johnson’s oral evidence, the Committee reserves the right to take further written and/or oral evidence before concluding its inquiry.

35. This report does not contain our final conclusions - it sets out the principal issues we intend to raise in questioning when Mr Johnson gives oral evidence, arising from our investigation and the evidence we have taken. We hope to announce shortly the timing of that evidence session., as soon as the date is agreed with Mr Johnson.

62 Written evidence submission received 1 March 2023 [evidence not yet published but being disclosed to Mr Johnson], WhatsApp messages:

[No. 10 official, 25/01/2022, 08:04:46] “I’m trying to do some Q&A, it’s not going well”

[Director of Communications, 25/01/2022, 08:05:12] “I’m struggling to come up with a way this one is in the rules in my head”

[Director of Communications, 25/01/2022, 08:05:20] “PM was eating his lunch of course”

[No. 10 official, 25/01/2022, 08:06:47] “I meant for the police bit but yeah as ridiculous as the cake thing is it is difficult”

[No. 10 official, 25/01/2022, 08:06:56] “‘Reasonably necessary for work purposes’”

[Director of Communications, 25/01/2022, 08:07:40] “Not sure that one works does it. Also blows another great gaping hole in the PM’s account doesn’t it?”

Appendix: Photographs

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



Formal minutes

Wednesday 1 March 2023

[Afternoon sitting]

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: summary of issues to be raised with Mr Johnson*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 35 read and agreed to.

Appendix agreed to.

Resolved, That the Report be the Fourth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Adjournment

The Committee adjourned.

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 2019–21

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

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