

**IN THE MATTER REFERRED TO THE  
HOUSE OF COMMONS COMMITTEE OF PRIVILEGES ON 21  
APRIL 2022**

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**SUBMISSIONS OF RT HON BORIS JOHNSON MP**

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**INTRODUCTION**

1. As I made clear to the House of Commons on 25 May 2022, I take full responsibility for everything that took place on my watch at No. 10. The revelations in Sue Gray’s report shocked the public, and they shocked me. I therefore begin by renewing my apologies to the British people for what happened on my watch. It is now clear that over a number of days, there were gatherings at No. 10 that, however they began, went past the point where they could be said to have been reasonably necessary for work purposes. That should never have happened, and it fills me with sadness and regret that it did.
  
2. As the Committee has acknowledged, the purpose of this inquiry is not to investigate the matters that were addressed by Sue Gray. This inquiry is about the statements that I made to Parliament, and what

I knew when I made those statements. It is of course true that my statements to Parliament that the Rules and Guidance had been followed at all times did not turn out to be correct, and I take this opportunity to apologise to the House for that. That is clear from the findings in the Sue Gray report, and the result of the Metropolitan Police investigation, which I accept. When I announced the independent investigation on 8 December 2021, I acknowledged to the House that I may be proved to be wrong, and that proved to be the case.

3. As soon as the Sue Gray investigation and the Metropolitan Police investigation had been concluded, I corrected the record. I believed – and I still believe – that this was the earliest opportunity at which I could make the necessary correction. It was not fair or appropriate to give a half-baked account, before the facts had been fully and properly established, including into many events about which I had no personal knowledge. I explained to the House that that is what I intended to do, and that is what I did on 25 May 2022: six days after the Police investigation had concluded, and the same day that the final Sue Gray report was published.
4. So I accept that the House of Commons was misled by my statements that the Rules and Guidance had been followed completely at No. 10. But when the statements were made, they were made in good faith and on the basis of what I honestly knew and believed at the time. I did not intentionally or recklessly mislead the House on 1 December 2021, 8 December 2021, or on any other date. I would never have dreamed of doing so.

5. The Committee has now investigated this matter for 10 months. It has had full access to all of the evidence collated by Sue Gray. It has independently obtained evidence from 23 individuals, and has had access to a colossal amount of contemporaneous material, including emails and WhatsApp messages. The Committee itself describes its investigation as “*rigorous and thorough*”.<sup>1</sup> I am grateful to the Committee for its hard work. However, it is clear from that investigation that there is no evidence at all that supports an allegation that I intentionally or recklessly misled the House. The only exception is the assertions of the discredited Dominic Cummings, which are not supported by any documentation. There is 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. In fact, the evidence before the Committee demonstrates that those working at No. 10 at the time shared my honest belief that the Rules and Guidance were being followed.
  
6. Notwithstanding the clear evidential picture that has emerged, the Committee appears to be mounting a case that, despite the absence of any evidence of warnings or advice, it should have been “*obvious*” to me that the Rules and Guidance were not being followed, because of the gatherings that I attended. It is important to be frank: this amounts to an allegation that I deliberately lied to Parliament. But it is also an allegation that extends to many others. If it was “*obvious*” to me that the Rules and Guidance were not being followed, it would have been equally obvious to dozens of others who also attended the gatherings I did. The vast majority of individuals who have given

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<sup>1</sup> See the Committee’s Fourth Report dated 3 March 2023 (“**Fourth Report**”), §5.

evidence to the Committee and the Cabinet Office investigation have not indicated that they considered that their attendance at the events contravened the Rules or the Guidance.

7. The Committee's new allegation is also illogical. Some of those who attended the relevant events wished me ill and would denounce me if I concealed the truth from the House. Far from achieving a "*cover up*", I would have known that any deception on my part would lead to instant exposure. This would have been senseless and immediately self-defeating. The Committee seeks to rely on photographs of the events. But again, despite the way that those photographs have been weaponised by the media, they in fact provide further support that this was in no sense "*obvious*". Four of the five photographs relied upon by the Committee are photographs from the official No. 10 photographer. A suggestion that we would have held events which were "*obviously*" contrary to the Rules and Guidance, and allowed those events to be immortalised by the official photographer is implausible.
  
8. The Committee also now appears to be alleging that it was in some way reckless for me to rely on assurances that I received from trusted advisers. That allegation is unprecedented and absurd. I was the Prime Minister of the country, working day and night to manage the Government's response to the Covid-19 pandemic. It was self-evidently reasonable for me to rely on assurances that I received from my advisers. The suggestion to the contrary would have profound and debilitating implications for the future of debate in the House, and for the ability of Ministers to rely on the advice of their officials when answering questions in Parliament.

9. In this statement, I provide relevant background and context to explain what I said in Parliament on 1 December and 8 December 2020. I explain what I believed at the time about what we were doing in No. 10, and why I believed it was in accordance with the Rules and Guidance.

### SCOPE OF THE INQUIRY AND FAIRNESS OF THE PROCESS

10. In its Fourth Report, the Committee has said “*[w]e have done all we can to ensure the fairness of our process*” (§10). I’m afraid I do not accept that. As the Committee is aware, since the very outset of this process I have identified serious concerns regarding the approach adopted by the Committee, both in relation to issues of principle (and, in particular, the Committee’s approach to the concept of “*contempt*”), and in relation to the fairness of the process that has been adopted. The Committee has addressed some of my concerns: in particular, it has decided not to rely on evidence from anonymous witnesses. However, a number of the concerns remain unaddressed.
11. The Fourth Report also gives rise to several quite fundamental additional concerns.
12. In particular, the Committee has gone significantly beyond its terms of reference. This is despite the fact that the Committee has previously acknowledged that its inquiry is necessarily limited to those allegations described in the Resolution of the House referred to the Committee dated 21 April 2022 (“**the Resolution**”).<sup>2</sup> The

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<sup>2</sup> See, e.g., Annex 1 to the Committee’s Second Report dated 21 July 2022 (“**Second Report**”), Annex 1: Resolution on Procedure, agreed by the

Fourth Report contains allegations that it must have been obvious to me that the Guidance was not being followed in No. 10 (§33), and that I may have misled the House when I said no Guidance had been broken in No. 10 (§32). I was very surprised to see these allegations, given that the Resolution is exclusively concerned with assertions regarding compliance with the Regulations, not the Guidance.

13. The opening three lines of the Resolution concern “*assertions ... about the legality of activities... under Covid 19 regulations*” (my emphasis), drawing attention to the fixed penalty notices. As the Committee will be aware, the Guidance is not legally binding and a failure to follow the Guidance is not a criminal offence. The scope of the Committee’s remit is exclusively concerned with assertions regarding compliance with the legally binding Regulations, not the Guidance. I of course recognise that the Resolution refers to Guidance as well as to Rules. But given the opening three lines, the Guidance is relevant only to the extent that it assists on whether there was a breach of legal requirements in the Rules, that is the Regulations.
14. This is supported by the fact that the Resolution required the Committee not to begin substantive consideration of the matter until the Metropolitan Police inquiries were concluded. The Police were

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Committee on 19 July 2022, §14 (“*The allegations against Mr Johnson are those described in the Resolution of the House referred to the Committee on 21 April 2022*”). See also Annex 2: Memorandum by the Committee’s Legal Adviser, Rt Hon Sir Ernest Ryder, §4 (“*The resolution of the House describes the allegations that are to be determined by the Committee*”). In its Fourth Report, the Committee correctly notes that it is not conducting an investigation into “*partygate*”, but is concerned with establishing the facts “*for the purpose of discharging [its] obligation under the terms of the House’s resolution*” (my emphasis) (Fourth Report, §7).

concerned with possible breaches of the Regulations, and not with the Guidance. It is further supported by the terms of the preceding House of Commons debate which was focused, almost exclusively, on the Regulations and not the Guidance.

15. It appears that initially the Committee correctly understood the scope of its remit. In its own call for evidence, it referred to “*Mr Johnson’s knowledge of the activities in 10 Downing Street and the Cabinet Office under Covid regulations*” (my emphasis). It is not clear what subsequently transpired to embolden the Committee to seek unilaterally to expand its mandate. It is obviously inappropriate, impermissible, and unfair.
16. The Fourth Report has also identified for the first time the entirely novel concept of “*recklessly*” misleading Parliament. It appears now to be alleged – again for the first time – that I in some way acted recklessly by relying on the advice of officials when answering questions in Parliament. That allegation is absurd for reasons that I will explain. But it also lacks any principled foundation.
17. As explained in the Joint Opinion of Lord Pannick KC and Jason Pobjoy published on 2 September 2022, in order to prove contempt it is necessary for the Committee to establish that I *intended* to mislead the House, which I clearly did not. Insofar as I am aware, there is no precedent of a contempt by misleading Parliament being found based on the concept of “*recklessness*”. The introduction of such a concept would be a significant departure from precedent, and would have serious implications for the future of debate in the

House, and for the ability of Ministers to rely on the advice of their officials when answering questions in Parliament.

18. Finally, it is important to record my disappointment at the highly partisan tone and content of the Fourth Report. The Fourth Report appears to record findings of fact (see, e.g., §33: "*The evidence strongly suggests that breaches of guidance would have been obvious to Mr Johnson at the time he was at the gatherings*"), despite the fact that the Committee has not yet heard *any* evidence from me. The Fourth Report is also extremely selective in the evidence cited. The Fourth Report fails to refer to the fact that, despite a "*rigorous and thorough*" investigation,<sup>3</sup> the Committee did not identify a single document which suggested that I was informed or warned by anyone that any event at No. 10 was contrary to the Rules or Guidance; it fails to refer to the fact that a significant number of witnesses gave evidence that I had in fact received assurances that the Rules were complied with at No. 10; and it fails to refer to the fact that the view of many other officials working at No. 10 was that the Rules and Guidance were being complied with.
19. Notwithstanding these concerns, I have agreed to participate fully in the hearing on 22 March 2023, and I will answer any questions that I am asked. That is without prejudice to the points identified above, in particular in relation to scope of the inquiry.

### **LAW AND GUIDANCE AS IT APPLIED TO NO. 10**

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<sup>3</sup> Fourth Report, §5.



20. In order to understand what I said in Parliament on 1 December 2020 and 8 December 2020, it is necessary to understand what I believed at the time in relation to the Rules (by which I mean the Covid Regulations<sup>4</sup>) and the Guidance. It is also necessary to understand the realities of working at No. 10 during the midst of the Covid-19 pandemic.

### The Rules

21. As the Committee acknowledges, in the relevant period the Rules varied over time. They were necessarily extremely complex, covering all manner of activities relevant to daily life. Insofar as relevant for present purposes, there were prohibitions on leaving or being outside of the place where a person was living and on participation in gatherings of varying sizes unless there was an exception or reasonable excuse, and some workplaces and other places where people congregate (although not Government departments or other essential public services) were required to close. At all relevant times there were exceptions that permitted people to be together, at work, for work purposes. For the period up until 31 May 2020, the exceptions included where a gathering was “*essential*” for work purposes. For the period 1 June 2020 to April 2021, the exception included where a gathering was “*reasonably necessary*” for work purposes.

22. It was my understanding that those of us who were working in No. 10 and Cabinet Office during the pandemic were lawfully gathered

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<sup>4</sup> The various iterations of the Health Protection (Coronavirus, Restrictions) (England) Regulations, in place from 26 March 2020 onwards.

at our places of work. Everyone around me was operating on the same assumption, including, it is now clear, all of the witnesses who have given evidence to the Committee. At all times, I believed it was absolutely essential that I should go to work to lead the fight against Covid-19, and that I had the best possible team supporting me. A huge number of decisions had to be taken at high speed, and I needed to have the best advice possible from officials and experts with a wide range of skills and expertise. This meant that there was always a large team working from No. 10 and that people needed to meet in person at short notice to make vital decisions on a daily basis.

23. This team was working together at all hours of the day and night: sometimes up to 18 hours per day. We were working tirelessly, to manage the Government's response to the Covid-19 pandemic.

### **The non-statutory Guidance**

24. In addition to the Rules, there was non-statutory Guidance for individuals and workplaces which was published on the Government website. The Guidance summarised the rules in plain English and contained more detailed advice on how to stay safe and limit the spread of virus. A failure to follow the Guidance was not a criminal offence.
25. The Guidance which applied to "*indoor environments such as offices, contact centres, operations rooms and similar workplaces*" such as No. 10 was the "*Working safely during COVID-19 in offices and contact centres: Guidance for employers, employees and the self-employed*" published by the Department for Business, Energy and Industrial Skills. I will refer

to this as “the Guidance” for the remainder of this statement. It was first published on 11 May 2020 and, as with the Rules, it varied over the relevant period.

26. In the Fourth Report, the Committee has cited very selectively from the Guidance. Contrary to the impression given by the Committee in its Fourth Report, the Guidance was not a “*one size fits all*” instruction manual. The Guidance was intended to provide employers with “*freedom within a practical framework*” to decide how best to translate the guidance into specific actions, having regard to the individual conditions and circumstances of individual workplaces.<sup>5</sup> The Guidance made clear that “*Each business will need to translate [the Guidance] into the specific actions it needs to take, depending on the nature of their business, including the size and type of business, how it is organised, managed and regulated*”.<sup>6</sup> The Guidance required a balance to be drawn between opening workplaces safely, while minimising the risk of spreading Covid-19.
27. Social distancing was a key part of the Guidance, providing that workplaces should “*make every reasonable effort to comply with social*

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<sup>5</sup> Workplace Guidance (19 May 2020, pg. 2, in place on 20 May 2020, and then contained in subsequent versions of the Guidance in place until and including 13 November 2020). The Workplace Guidance also stated that it “*gives practical considerations of how [the Guidance] can be applied in the Workplace* (19 May 2020, pg. 2, and then contained in all subsequent versions of the Guidance in place on relevant dates).

<sup>6</sup> Workplace Guidance (19 May 2020, pg. 2, in place on 20 May 2020, and then contained in all subsequent versions of the Guidance in place on relevant dates). Please note, for the Workplace Guidance dated 26 November 2020, which was in place on 27 November 2020, this sentence appears to have been omitted, and was re-inserted in the next update on 9 December 2020.

*distancing guidelines*".<sup>7</sup> From 11 May 2020 to 24 June 2020, the Guidance provided that the 'objective' was "to maintain 2m social distancing wherever possible" and "[y]ou must maintain social distancing in the workplace wherever possible".<sup>8</sup> In respect of meetings, the Guidance provided that "[s]teps that will usually be needed" included "[o]nly absolutely necessary participants should attend meetings and should maintain 2m separation throughout".<sup>9</sup> From 24 June 2020 the Guidance was updated to advise 2m social distancing, or 1m with mitigations where 2m was not viable, wherever possible.<sup>10</sup>

28. The Guidance expressly recognised that it would not always be possible to comply with social distancing guidelines. It stated: "*Where the social distancing guidelines cannot be followed in full, in relation to 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*".<sup>11</sup>

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<sup>7</sup> Guidance (19 May 2020, pg. 5, as in place on 20 May 2020, and then contained in all subsequent versions of the Guidance in place on relevant dates).

<sup>8</sup> Guidance (19 May 2020, pg. 10, as in place on 20 May 2020; 15 June 2020, pg. 11, as in place on 18 and 19 June 2020).

<sup>9</sup> Guidance (19 May 2020, pg. 14, as in place on 20 May 2020; 15 June 2020, pg. 15, as in place on 18 and 19 June 2020).

<sup>10</sup> Guidance (24 June 2020, pg. 17; 5 November 2020, pg. 22, as in place on 13 November 2020, and then contained in all subsequent versions in place on relevant dates).

<sup>11</sup> Guidance (19 May 2020, pg. 5, as in place on 20 May 2020, and then contained in all subsequent versions of the Guidance in place on relevant dates).

## **The application of the Rules and Guidance to No. 10**

29. It is important to understand the context in which people were working in No. 10 throughout the pandemic. These were people on the frontline of the Government's fight against Covid-19, working closely together around the clock. The nature and importance of the work meant that, unlike many other workplaces at the time, the building had considerable movement of people at regular intervals, and people were often at work very late into the night to keep the country running. Meetings with multiple advisers, Ministers and officials often were called at short notice. People did their best to socially distance, but it was inevitable, given the nature of the work, and the nature of the building (which has lots of small rooms and narrow corridors), that full social distancing was not always possible.
30. My understanding of the Guidance was that No. 10 was required to implement Covid-19 safety measures as far as possible, given the conditions and circumstances in which we were working. That remains my understanding.
31. No. 10 went to great lengths to follow the Guidance, under the leadership of Martin Reynolds. Some people have suggested that we considered ourselves to be in a Guidance-free bubble where the requirements we imposed on the rest of the country did not apply. Nothing could be further from the truth. We took conspicuous steps to limit the spread of the disease. Risk assessments were conducted, their recommendations implemented, and where full social distancing was not possible, additional mitigations were put in

place. The measures included home working where possible, staggered teams in the office where appropriate, restrictions to meeting room capacity, perspex screens between desks, social distancing where possible (initially two metres, and following changes to the Guidance on 24 June 2020,<sup>12</sup> one metre with additional precautions), outdoor meetings in the summer, one-way systems, dispensers of hand sanitiser, and, most importantly of all, a stringent testing regime. The latter went well beyond what is required by the Guidance, and was, in my view, a response to the reality that full social distancing was not always possible.

32. On a day-to-day basis, staff sought to avoid physical contact, and to keep our distance. We followed the Guidance on social distancing by remaining two metres apart where possible or, following 24 June 2020, one metre apart, where possible. Meetings in the garden at No. 10 were positively encouraged.
  
33. Various references in the Fourth Report give the impression that any lack of social distancing in No. 10 was in breach of the Guidance. If that is genuinely the Committee's view, it is obviously wrong. Everyone at No. 10 was working together around the clock to fight Covid-19. No. 10 is an old, cramped London town house, with many bottlenecks, and many small rooms. It is not a modern working environment. In accordance with the Guidance, a balance had to be struck between the essential work we were doing and minimising the risk of transmission. Although we did our best to give each other as wide a berth as possible, there were times when people inevitably

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<sup>12</sup> Guidance (24 June 2020, Introduction and Section 3.4 Meetings).

came closer to each other. We tried to keep our distance, but we knew that proximity was sometimes unavoidable, and we knew that this was acceptable under the Guidance.

## **EVENTS RELIED UPON BY THE COMMITTEE**

### **Summary of position in relation to events**

34. In the section that follows, I address each of the events relied upon by the Committee in its Fourth Report (at §§22-27): the events that occurred on 20 May 2020, 19 June 2020, 13 November 2020, 27 November 2020, 18 December 2020 and 14 January 2021. It is helpful to begin with a brief summary of the position in relation to these events.
35. I personally attended five of the events referred to by the Committee in its Fourth Report. I did not attend the event on 18 December 2020.
36. When I spoke in Parliament on 1 and 8 December 2021, I did not believe that any of the events that I had personally attended, nor the 18 December 2020 event which I was asked about (but did not attend), were in breach of the Rules or the Guidance. On the basis of my attendance, or, for the 18 December 2020 event, on the basis of assurances that I received from those with direct knowledge, I honestly believed that these events were lawful work gatherings. In relation to the events that I attended, although full social distancing was not always possible, I considered that this was acceptable under the Guidance for the reasons I have given above, and which I expand upon below.

37. When I spoke in Parliament on 1 and 8 December 2021, I did not know that any of the events that I had attended later escalated beyond what was lawful after I left. Nor was I aware of the existence of many of the other events that Sue Gray and the Metropolitan Police subsequently investigated. I was not present at those events, and I was not warned before or after any of these events that an event may have been held in breach of the Rules or Guidance.
38. There is one event for which the current Prime Minister, Rishi Sunak MP, and I were given fixed penalty notices by the Metropolitan Police: the event on 19 June 2020. 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,<sup>13</sup> was unlawful. However, to this day it remains unclear to me – and I believe the Prime Minister may feel the same<sup>14</sup> – 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.<sup>15</sup>

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<sup>13</sup> In her report, Sue Gray found in terms that “*The Prime Minister was not aware of this event in advance and it did not form part of his official diary for the day*” (at pg.17).

<sup>14</sup> “*I’m in the Cabinet Room for a Covid meeting much like the other hundred, two hundred, God knows how many other Covid meetings I’ve been to... as I said I went to that Cabinet Room - as I did many other times for Covid meetings... I’ve been part of honestly hundreds of Covid meetings which do involve lots of people, because it’s a complicated issue, it’s one that we were grappling with a lot...*” (BBC interview, 3 February 2021)  
(<https://www.youtube.com/watch?v=2y1WANuk1G4>).

<sup>15</sup> I note that the Fourth Report at §23 asserts that this event was not “*reasonably necessary for work purposes*”. It was an offence under the Regulations to participate in such a gathering “*without reasonable excuse*”. Some attendees did not receive fixed penalty notices, so the Police must



39. It never occurred to me then or at any time prior to the Police issuing the fixed penalty notice, 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.<sup>16</sup> 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.
40. It is a measure of how innocent we all considered this event to be at the time, that, not only was the official Downing Street photographer present, but the gathering was briefed out by the press office to The Times, which ran an article about the gathering the following day, on Saturday 20 June 2020. It is implausible that details of the gathering would have been briefed out if anyone considered that it was contrary to the Rules or Guidance.
41. Apart from the 19 June 2020 event, the Metropolitan Police appears to have understood the law in the same way that I did.<sup>17</sup> I did not receive any fine for my attendance at the 20 May 2020, 13 November 2020, 27 November 2020, or 14 January 2021 events. I note that the Metropolitan Police has confirmed in writing to the Committee that

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have decided that they nevertheless had reasonable excuses for being there. What those excuses were, and why the Police decided that I did not have one remains a mystery to me.

<sup>16</sup> As has been widely publicised, my wife and son attended, as did Lulu Lytle, who was working on the redecoration of the flat at the time.

<sup>17</sup> Bundle 2, Page 933.

*“the decision to issue an FPN to a participant of a gathering took account of a number of factors, which included the nature of the gathering at the time the individual was present (which may have changed throughout the duration of the gathering)” (my emphasis).*

### **20 May 2020 event**

42. On 20 May 2020, I attended a gathering in the No. 10 garden to thank staff working on Covid-19. I attended for less than half an hour. My diary states: *“PM in garden with staff”* from 18.02 to 18.30.<sup>18</sup> After that, I was scheduled to speak to the Queen. I would have been told something along the following lines: *“you are on to meet staff in the garden, go round and say thank you, then you’re off to speak to the Queen”*.<sup>19</sup> This is precisely what I did: I thanked groups of staff, before going back to my office to speak with the Queen.
43. I was aware of there being food and drink at the gathering, but I did not consider that this was incompatible with the Rules or Guidance, particularly in circumstances where the Guidance published at the time recommended *“holding meetings outdoors or in well-ventilated rooms whenever possible”*.<sup>20</sup> I can’t recall how many people were there, but I note that one of the Committee’s witnesses says there were only

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<sup>18</sup> Bundle 1, Page 6.

<sup>19</sup> I note that Martin Reynolds has given evidence to the Committee as follows: *“The gathering started at around 6pm. I took the PM down to circulate with staff. He did not usually attend staff gatherings (including weekly office meetings) but would do so on occasion to thank them for their work. After a period when he had been so ill, his presence was an important symbol and morale booster. He stayed for less than half an hour, returning to his office (with me) for his weekly audience phone call with the queen at 6.30pm”* (Bundle 2, Page 843). That is consistent with my recollection.

<sup>20</sup> Guidance (19 May 2020, pg. 14).

ten people in the garden when I arrived. Sue Gray found that 30-40 may have attended in total. I understood this to be a socially-distanced outdoor meeting to boost staff morale and teamworking after what had been a very difficult period (I had only recently been in hospital with Covid-19). In my view, an opportunity to thank staff and boost morale was essential for work purposes.

44. I had no involvement in the organisation of the event. I did not see any of the emails relating to the event that subsequently featured in the Sue Gray report, which are relied upon at Fourth Report §22. If I had believed that the event broke the Rules or Guidance, I would not have allowed it to go ahead.
45. I can categorically state that no-one at the time expressed to me any concerns about whether the event complied with the Rules or Guidance.
46. I understand that Dominic Cummings has said that I was warned by him and another adviser that the event “*seemed to be against the rules and should not happen*”.<sup>21</sup> Lee Cain has also raised the possibility that he raised a concern with me, although he has said that he does not recall if he did so.<sup>22</sup>
47. I do not recall having any conversation with Lee Cain in relation to the event. I do recall a conversation with Dominic Cummings on the

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<sup>21</sup> *Dominic Cummings’ Substack blog, “Parties, photos, trolleys, variants”, 7 January 2022.*

<sup>22</sup> Bundle 2, Pages 108 and 780. I note that [No. 10 official] has given evidence to the Committee that: “*I saw the invite and I expressed my concern to Martin that I thought this was a bad idea*” (Bundle 2, Page 775), and that

afternoon of the event, but he did not mention the event, let alone express any concerns that the event would breach the Rules or Guidance. It is no secret that Dominic Cummings bears an animus towards me, having publicly stated on multiple occasions that he wanted to do everything that he could to remove me “*from power*”.<sup>23</sup> He cannot be treated as a credible witness. It is not clear what, if any, work the Committee has done to test the credibility of what is now said by Dominic Cummings, including his animosity towards me. If the Committee intends to rely on his evidence, it is essential that his evidence is properly tested by the Committee, allowing me a fair opportunity to participate in that process.

48. If Lee Cain or Dominic Cummings had raised such a concern with me, the event would not have gone ahead. Martin Reynolds has told the Committee that both of them had the authority to stop the event if they wanted.<sup>24</sup> It is simply inconceivable that I would have allowed an event to go ahead if I had known that it would breach the Rules or Guidance.

49. Finally, I note that Martin Reynolds also confirms that he “*believed – and still believe[s] – that the event of 20 May was a work event*” and

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[No. 10 official] has given evidence to the Committee that she does “*not recall whether I questioned the gathering nor whether I urged Martin Reynolds to check with the PM.*” (Bundle 2, Page 796). In neither case, however, is it alleged that the individual raised these concerns with me.

<sup>23</sup> See, e.g., *New York Magazine*, “*The Man Trying To Take Down Boris Johnson*”, 30 January 2022; *The Telegraph*, “*Dominic Cummings claims he discussed forcing out Boris Johnson weeks after 2019 Tory landslide*”, 20 July 2021; *Dominic Cummings’ blog*, “*Parties, photos, trolleys, variants*”, 7 January 2022.

<sup>24</sup> Bundle 2, Page 844 §26.

believed that the gatherings he was involved in organising and attending were “*in line with the regulations in force at the time*”.<sup>25</sup>

50. I did not receive a fixed penalty notice for the event. It also bears emphasising that, in her report, Sue Gray did not find that any concerns in relation to the event were drawn to my attention. The Committee has also not identified any evidence, other than what Dominic Cummings now says, which shows that concerns were drawn to my attention, notwithstanding the wealth of material to which the Committee has had access. If he had warned me about the event, there would be contemporaneous emails, text or WhatsApps between him and others to that effect, but there are none.
51. In my apology to Parliament on 12 January 2022, I stated that “*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*”.<sup>26</sup> I stand by what I said. The reason I said this was because of the optics of those working in No. 10 gathering in the garden for a work event at a time when people around the country were unable to gather in public. Of course, 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 it clearer that these were work events, with the specific purpose of thanking and motivating colleagues for their tireless efforts in fighting Covid-19. Hindsight is a wonderful thing. But it remains the

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<sup>25</sup> Bundle 2, Page 847.

<sup>26</sup> HC Deb (2021–22) 706 cc 562–563.

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.

### **19 June 2020 event**

52. I have addressed the 19 June 2020 event at §§38-40 above.

### **13 November 2020 event**

53. On 13 November 2020, I briefly attended a gathering in the Press Office to mark the departure of Lee Cain. I made a short speech, and left after approximately 15 minutes. I had no involvement in the planning or organisation of this event. The photographs of the event show that I had my red box, as I was on my way back to the flat.

54. Given that three of the events relied upon by the Committee were gatherings to thank departing staff, it is necessary to say something further about the nature of these events. My view has always been that thanking and encouraging staff, and maintaining 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.

55. 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. My colleagues would typically be talking about the same subject: how are we going to help our country get through Covid-19. 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.

56. I would typically speak for a few minutes, and then I would be gone shortly after. At none of these events did I stay for more than half an hour, and sometimes far less. I was extremely busy. I might raise a glass to honour a colleague, but that was it. At the time I was recovering from a serious illness, I was desperately worried about the state of the country, and I was going back to my flat to continue working.
57. Of the 13 November 2020 gathering, the Committee has said "*[t]he photographs show that there was no social distancing*" (Fourth Report, §24). I accept that people may have stood close together for short periods at these events, but I do not believe that this fell outside the Guidance, and I certainly did not believe that at the time. As I have already explained, the Guidance required us to do what was possible, and we all understood the constraints of working in No. 10.
58. The critical point about the 13 November 2020 gathering was that I did not receive a fixed penalty notice from the Police in relation to this event. The Police examined all of the evidence supplied by Sue Gray, including the photographs and testimony now relied upon by the Committee, and did not find that my participation in these events

was against the Rules. It is reasonable to conclude that for the period that I was at the events, and able to observe what was going on, there was nothing Rule-breaking about the event. If 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.

59. Finally, for completeness, I emphasise that no-one at the time raised any concerns with me about whether the 13 November 2020 event complied with the Rules or Guidance. No one advised me before or after the event that it was against the Rules or Guidance to thank departing staff. Sue Gray did not suggest otherwise in her report, and the Committee has not produced any evidence which suggests that I did receive any such advice or warning.

#### **27 November 2020 event**

60. On 27 November 2020, I briefly attended a gathering in the Press Office to mark the departure of [No. 10 official]. I made a short speech, and left after approximately 10 minutes. I had no involvement in the planning or organisation of this event.

Everything that I have said at

§ 54-56 applies equally here. 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.

61. I have read [No. 10 official]'s account of the event in *Tatler Magazine*: "So I left No. 10 – without a leaving party, contrary to what has been reported. What actually happened is that we agreed to go our separate ways and I went to the press team to say goodbye. The PM, unable to see a group



*of people and not orate, gave a painful, off-the-cuff speech to a bewildered clutch of advisers and I left shortly after”.*<sup>27</sup> That is an accurate recollection.<sup>28</sup>

62. [No. 10 official] has given evidence to the Committee that, at this event, I said *“this is probably the most unsocially distanced gathering in the UK right now”*.<sup>29</sup> This comment has been publicised widely, in light of its selective inclusion by the Committee in the Fourth Report at §26. What the Committee failed to record in the Fourth Report was the next line of [No. 10 official]’s statement: *“he 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”*.<sup>30</sup>
63. I do not remember saying the words quoted by [No. 10 official] – and it seems unlikely given that it was, as [No. 10 official] says, a small and impromptu event. But I might well have made observations in speeches about social distancing, and whether it was being perfectly observed. That does not mean that I thought the Guidance was contravened. As I have already explained, 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.

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<sup>27</sup> Tatler Magazine, *“Exclusive: how Boris Johnson’s former aide had to ‘nanny’ him through lockdown, as details of her explosive Westminster novel are revealed”* 18 November 2022.

<sup>28</sup> Sue Gray found in her final report that *“there were approximately 15-20 people in attendance”* (pg. 19).

<sup>29</sup> Bundle 2, Page 810.

<sup>30</sup> Bundle 2, Page 810.

64. I find it surprising that this event has been included by the Committee in its Fourth Report, in circumstances where no individual received a fixed penalty notice in relation to the gathering. In circumstances where no issue has been raised about the legality of the gathering, I struggle to see how the event could conceivably fall within the scope of the Committee's inquiry (see §§12-15 above).

#### **18 December 2020 event**

65. As the Committee is aware, I did not attend the 18 December 2020 event. According to my official diary, I was in my office alone from 6.05pm until 6.33pm, with [No. 10 official] from 6.33pm to 6.48pm, and in Covid related meetings from 6.49pm until 9.57pm.<sup>31</sup> I believe that the 'Covid O' Zoom meeting, involving the Cabinet Secretary, the Chief Medical Officer, the Chief Scientific Adviser and others, which I chaired from the Cabinet Room from 8.24pm to 9.57pm, was the meeting at which we decided that London would need to go into a new Tier 4 the following day. I went up to my flat at 9.58pm.

66. Insofar as it is suggested that I must have seen something because I was "*present in No 10*",<sup>32</sup> I simply don't accept that. I do not recollect seeing or hearing anything that could be described as a party. I do not recollect seeing anyone detectably under the influence of alcohol or hearing anything from my flat. As I have said, I was working and my mind was decisively elsewhere.

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<sup>31</sup> Bundle 2, Page 559.

<sup>32</sup> Fourth Report, §26.

### 14 January 2021 event

67. On 14 January 2021, I briefly attended a gathering to mark the departure of [No. 10 official] and [No. 10 official]. I made a short speech, and left after approximately 10 minutes. My diary records that I was present from 6.03pm to 6.09pm.<sup>33</sup> I had no involvement in the planning or organisation of this event, which I understand was primarily a virtual event, certainly during the time that I was present.<sup>34</sup> Everything that I have said at §§54-56 applies equally here. 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.
68. I did not receive a fixed penalty notice from the Police in relation to this event. The Police examined all of the evidence supplied by Sue Gray, including the photographs and testimony now relied upon by the Committee, and did not find that my participation in these events was against the Rules. It is reasonable to conclude that for the period that I was at the events, and able to observe what was going on, there was nothing intrinsically wrong or Rule breaking about the event. Insofar 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.

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<sup>33</sup> Bundle 1, Page 14.

<sup>34</sup> Sue Gray found in her final report that, *“Approximately 15 members of staff from the No 10 Private Office and No 10 Policy Unit attended in person, with up to 30 people joining virtually. The Prime Minister attended at approximately 18.00 for around 10 minutes in between meetings. He gave a short speech thanking those leaving before returning to his office”* (pg. 33).

69. Finally, for completeness, I emphasise that no-one at the time raised any concerns with me about whether the 14 January 2021 event complied with the Rules or Guidance. No one advised me before or after the event that it was against the Rules or Guidance to thank departing staff. Sue Gray did not suggest otherwise in her report, and the Committee has not produced any evidence which suggests that I did receive any such advice or warning.

#### **Additional events referred to by the Committee**

70. The Fourth Report contains an opaque reference to Friday night “*Press Office gatherings*” which I am said to have “*occasionally joined*” (at §21). No further detail is provided, and no such specific events are identified by the Committee. Insofar as any allegation is made by the Committee, it is incumbent on the Committee to make it so that I can respond to it. That is particularly so if the Committee are referring to an event that has never previously been identified or investigated by Sue Gray or the Metropolitan Police.
71. For the avoidance of any doubt, 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. Once or twice I heard people in the garden, but

nothing which could be described as a party or that would indicate a breach of the Rules or Guidance.

### **HONEST BELIEF IN STATEMENTS MADE TO THE HOUSE OF COMMONS**

72. I did not intentionally or recklessly mislead the House of Commons on 1 December 2021, 8 December 2021, or on any other date.
73. I deal with each of the statements relied upon by the Committee in its Fourth Report in turn below. I also provide some background and context in relation to those statements. However, my clear and consistent position since the outset of this inquiry has been that, at the time that the statements were made, I honestly and reasonably believed in the truth of the statements. That remains my position.
74. As I acknowledge below, I accept that the House of Commons was misled in respect of some of the statements relied upon by the Committee (although not all of them) and I apologise for this. But that was not because I was trying to hide what I knew to be true, but because I said what I honestly believed at the time, and I did not know what the Metropolitan Police and Sue Gray would later uncover. Notwithstanding its extensive investigation, including access to emails and WhatsApp messages, the Committee has not produced any evidence at all that supports a finding that I intentionally or recklessly misled the House of Commons.

### **Statement made to the House of Commons on 1 December 2021**

75. Towards the end of November 2021, Chris Whitty and Patrick Vallance had visited No. 10 to warn me that a new Covid-19 variant had emerged and that it might evade the vaccine. In the days that followed, I was heavily engaged in the Government's response to the Omicron variant. On 30 November 2021, Parliament voted on the new restrictions, which were approved but with significant rebellions on the Government backbenches. My focus on that day was very much on Omicron. I briefed the Cabinet on the variant and visited a vaccine site.
76. At 3.33pm that day, Pippa Crerar, the then Political Editor of the Daily Mirror, informed the Press Office by email that the Daily Mirror was intending to run a story relating to allegedly Rule-breaking parties. I first became aware of this when Jack Doyle, then Director of Communications, came to see me. The Daily Mirror were asking for details about four events. I did not see the email myself and the only event I can recall Jack mentioning in any detail was the one held in the Press Office on 18 December 2020, which I had not attended. The email mentions two other events – on 13 November 2020 and 27 November 2020 – which I do not recall Jack bringing up but I accept that he may have. These were ones that I had attended. Therefore, if Jack did mention them, I would have been confident, based on my attendance, and for the reasons I have already described at §§34-64 above, that there had been compliance with the Rules and Guidance. The final allegation was that I had invited senior Tory HQ staff to a Christmas thank you drinks in the week commencing 7 December 2020. At the time I knew nothing about the event and I am not sure Jack Doyle mentioned it to me at all. As far as I am aware

this event never went ahead. Therefore, our conversation focussed on the allegation that there was a party on 18 December 2020.

77. My initial reaction at the time was that this was some kind of try-on. At the time, it seemed implausible to me that there could have been an illegal event at No. 10 almost a year earlier that I had not heard about before. Nonetheless, I asked Jack Doyle about the event,<sup>35</sup> which he confirmed he had attended. He explained to me that the media team held a regular Friday evening team meeting, where they would discuss what had occurred during the week, and have a drink. As this was the last Friday of the year, there was also cheese and a Secret Santa. He reminded me that this had been a “*nightmare*” evening, as the country was about to go back into lockdown at a time when I was desperate to protect Christmas. He informed me that to call it a party was a great exaggeration. I asked him: “*Was it within the Rules?*”. He told me: “*It was within the Rules*”.

78. I had no basis to disbelieve Jack’s account of the event. The assurances provided by Jack Doyle must also be understood within the context within which we were working. The staff at No. 10 regularly were working around the clock. On 18 December 2020 the media department were working late into the night on the difficult messages we would be giving to the public: in particular, that we were going to have to go back into lockdown and, in many cases, families would be unable to spend Christmas together. They were also preparing for both a Deal and No Deal Brexit. It is in this context that I understood that members of the Press Office, who were

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<sup>35</sup> My diary records that I met with Jack Doyle from 6.00pm until 6.05pm (Bundle 2, Page 564).

gathered for work purposes in No. 10 leading the Government's response to Covid-19, had wine and cheese and exchanged gifts at their desk. This did not sound to me like a breach of the Rules or the Guidance, let alone a party. Based on the information with which I was provided, this sounded like it was firmly within the work exception, and consistent with the Guidance. Drinking wine or exchanging gifts at work and whilst working did not, in my view, turn an otherwise lawful workplace gathering into an unlawful one.

79. I understand that the press was briefed with the line "*Covid rules have been followed at all times*" at around 5.16pm. I cannot recall now whether I had sight of that line before it was briefed, but it would have been produced by the media team and then presented to me. Based on my diary, I believe that I did not know about or approve the line before it was given to the Daily Mirror (given that I did not speak to Jack until 6.00pm). Nothing may turn on this though, given that I did discuss the matter with Jack, and, based on the assurances that I received from him and my own knowledge and understanding, I agreed with the line.
80. I did not anticipate that this would be a big story. A particular line to take was not, for instance, included in my written PMQ briefing pack, although I am sure that the issue would have been discussed at one of my PMQs prep meetings in the morning. My focus in preparing for PMQs was on the vaccine-evading Omicron variant. I was surprised when the Leader of the Opposition used this as his main line of attack during PMQs. He asked me: "*was a Christmas party thrown in Downing Street for dozens of people on 18 December?*". I responded, based on the conversations that I had had the previous



day and that morning: *“What I can tell the right hon. and learned Gentleman is that all guidance was followed completely in No. 10”*.<sup>36</sup>

81. I meant to repeat the line which my advisers had already given to the Daily Mirror – i.e. that *“Covid rules were followed at all times”*. However, I did believe that *“all guidance was followed completely in No. 10”*. This was based on my honest and reasonable belief at the time. That was based on the following:

- (1) My understanding of the Rules, and what they required, which I have addressed at §§20-22 above.
- (2) My understanding of the Guidance, and what the Guidance required, which I have addressed at §§24-28 above. I did not mean that social distancing was complied with perfectly in No. 10, but this was not required by the Guidance.
- (3) Insofar as I had attended events at No. 10, I relied on my knowledge of those events for the periods which I attended. Contrary to what the Committee appears to be suggesting in its Fourth Report (at §33(b) and (d)), in making the statement that I made I was not trying to conceal or cover up any events from the House, such as the 20 May 2020 event in the garden, or the gathering in the Cabinet Room on my birthday on 19 June 2020. I was not trying to conceal these events because I believed that there was nothing to conceal or cover up. I

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<sup>36</sup> What I in fact said in a somewhat garbled manner was that *“all guidance was followed completely during No. 10”*, but that appears to have been corrected to what I obviously meant in Hansard.

honestly and reasonably believed that the Rules and Guidance were followed at the events that I attended, for the reasons I have set out at §§29-33 above. I did not know that any of these events later escalated beyond what was lawful after I left.

- (4) As regards the 18 December 2020 event (which I did not attend), I relied on the assurance that I had received from Jack Doyle. As I note above, I had no reason to disbelieve that assurance, which, having regard to the context I identify at §78 above, satisfied me that the event was compatible with the Rules and Guidance.
- (5) I also relied on the fact that I had never received any warning before any event that anyone had concerns that an event might break the Rules or Guidance. I was also not told after any event that it broke or may have broken the Rules or Guidance. No. 10 and the Cabinet Office are very large departments. I believed that if anyone witnessed something that they considered to be illegal or contrary to Guidance, I would have been made aware of it.

82. The fact that this was my honest and reasonable belief finds further support in the fact that this belief was shared by many others. Everyone around me appeared to be operating under the same understanding of the position. The overwhelming majority of the witnesses who have given evidence to the Committee have made it clear that, at the time, they considered that the Rules and/or Guidance were being complied with in No. 10. These include:

- (1) my Principal Private Secretary, Martin Reynolds;<sup>37</sup>
- (2) the Prime Minister's Official Spokesperson from 10 February 2017 to 31 December 2020 and Downing Street Director of Communications from 1 January 2021 to 19 March 2021, James Slack;<sup>38</sup>
- (3) the Deputy Downing Street Director Communications from January 2021 to March 2021 and Downing Street Director of Communications from April 2021 to February 2022, Jack Doyle;<sup>39</sup>

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<sup>37</sup> Martin Reynolds Written Evidence to the Committee, 7 February 2023: *"I and others involved in organising and attending the gatherings believed that they were in line with the regulations in force at the time. I believe these decisions were taken in good faith and were reasonable on a common-sense reading of the relevant regulations... I also believe all senior staff in Downing Street, both political advisers and civil servants, and key Cabinet Office officials, from the Cabinet Secretary and Permanent Secretary – Covid down, assumed the events were lawful too. They spoke at, attended or were aware of some, or all, of the gatherings. The attendees included some of those responsible for the regulations. I believe in-house lawyers were copied into some invitations."* (Bundle 2, Page 847-848); and *"I believe that at the time the story broke in November 2020 there was a collective belief in the Cabinet Office and Downing Street that we had operated within the rules during lockdown and that any events which took place had been legitimate, work-related gatherings."* (Bundle 2, Page 848B).

<sup>38</sup> Cabinet Office Investigation interview with James Slack, 10 December 2021: *"I honestly don't think that anyone who was in that room was breaking any rules. They were with their colleagues who they sat with all day every day for 12 hours. Were there additional elements to that? Yes. That was a reflection of the specific circumstances of the end of the year. Everyone in the office knew that they were public servants and wouldn't have done it if they thought they were breaking rules."* (Bundle 1, Page 649 and Bundle 2, Page 852).

<sup>39</sup> Jack Doyle Written Evidence to the Committee, 1 March 2023: *"As per my evidence to the Sue Gray report, in relation to the events I attended I said I believed no rules were broken."* (Bundle 2, Page 864).

- (4) [REDACTED] from April 2021 to September 2022, [No. 10 official];<sup>40</sup>
- (5) [REDACTED], [No. 10 official];<sup>41</sup> and
- (6) [REDACTED] from March 2020 to February 2021, [No. 10 official].<sup>42</sup>

83. Further support can be found in the contemporaneous WhatsApp messages involving me, which are in the Committee's possession. On 10 December 2021, I sent a message to Jack Doyle, stating: "*Is there a way we could get the truth about this party out there*".<sup>43</sup> I trusted the assurances that Jack Doyle and others had given me, so I wanted the "*truth*" as they had explained it and as I honestly believed it, to be published. I used "*party*" as shorthand because that is how it was being referred to in the media.

84. In hindsight, I accept that my statement to Parliament on 1 December 2021, although reasonably and honestly believed at the time, did

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<sup>40</sup> [No. 10 official] Written Evidence Submission to the Committee, 7 February 2023: "*It was the genuine belief at that time that covid rules had been followed at all times.*" (Bundle 2, Page 801).

<sup>41</sup> Cabinet Office Investigation interview with [No. 10 official]: "*I think my understanding would be it would be in compliance with regs and guidance and I think we have mentioned this before the nature of the work of the task force is that we were often at the office late and at weekends.*" (Bundle 2, Page 286).

<sup>42</sup> [No. 10 official] Written Evidence Submission to the Committee, 30 January 2023: "*At no point at the time did I consider the leaving presentation or subsequent discussion with colleagues to be law or rule-breaking, nor would I have described it as a party. If I had thought that I would never have attended. This may be in part because the colleagues gathered were the same colleagues that I worked alongside, in person, for long hours every day in those same rooms for work.*" (Bundle 2, Page 782).

<sup>43</sup> Bundle 2, Page 918.

mislead the House. I could not have predicted the subsequent revelations that came to light following the investigations by Sue Gray and the Metropolitan Police. Those revelations genuinely shocked me. If I had been aware of this information, I would obviously not have stood up in Parliament and said what I said. The House was misled not because I was trying to hide what I knew to be true (which would have been senseless and immediately self-defeating), but because I said what I honestly and reasonably believed at the time and I did not know what the Police and Sue Gray would subsequently uncover. When the House heard from me on the 1 December 2021, it heard the truth as far as I knew it.

**Statement made to the House of Commons on 8 December 2021 regarding the provision of assurances regarding compliance with the Rules**

85. On 7 December 2021, footage emerged on ITV of Allegra Stratton, the former No. 10 spokesperson, in a mock press conference filmed for internal purposes, that took place on 22 December 2020. She was asked a mock question about the event on 18 December 2020, to which she gave a light-hearted reply. The clear implication of the exchange was that there was a sense of guilt about what had happened.
86. I had not previously seen this video. It caused me immediate concern. On the evening of 7 December 2021, I received a WhatsApp message from Jack Doyle stating: *“I think you can say ‘I’ve been assured there was no party and no rules were broken’”*.<sup>44</sup> Later that evening, I rang James Slack, who I regard as a man of great integrity, and who

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<sup>44</sup> Bundle 2, page 918.

was in the building on the evening of 18 December 2020 (and had been with me in the Covid O Zoom meeting before I went up to my flat). I asked him to describe what happened at the event. His account was consistent with that of Jack Doyle. He confirmed to me that the Rules were followed.<sup>45</sup>

87. Notwithstanding the assurances that I had received, I remained concerned about the content of the Allegra Stratton video, and the impression that it gave. I decided that I needed to commission an independent investigation to find out precisely what happened at the event in question. I asked for this to be carried out by the Cabinet Secretary, Simon Case. It was this investigation that ultimately resulted in the Sue Gray Report. I first spoke to Simon Case about this in the evening of 7 December 2021.

88. On 8 December 2021, I received a further WhatsApp message from Jack Doyle containing proposed wording for my statement to Parliament: “...I sought and was given reassurance no rules were broken and no party took place...”.<sup>46</sup> That morning we held a large meeting with the team, where we would have discussed the Allegra video and the response to the allegations. The written briefing pack for PMQs that day contained the line “No. 10 has always followed all covid rules”.<sup>47</sup> The opening statement for PMQs was developed in an email

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<sup>45</sup> Bundle 1, Page 650 and Bundle 2, Pages 852-853 and 918.

<sup>46</sup> Bundle 2, Page 918.

<sup>47</sup> Bundle 1, Page 126.

chain entitled “DraftPMQs opening statement”, which involved numerous civil servants and advisers.<sup>48</sup>

89. In my opening statement in the House of Commons I said this:

*“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 the 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.”*

90. This statement was entirely accurate, and I do not believe that the House has been misled by it. As the context of the statement makes clear, the statement related only to the 18 December 2020 event. This was the event that I had been asked about by the Leader of the Opposition the week before, which was the focus of the media storm following the release of the Allegra Stratton video which I referenced in my statement, and it was the sole event (at that time) which Simon Case had been asked to investigate at No. 10.<sup>49</sup> I had by that stage

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<sup>48</sup> Bundle 2, Page 269 (Those copied included Martin Reynolds, Dan Rosenfield, [No. 10 official], [No. 10 official], [No. 10 Official], [No. 10 official], [No. 10 official], [No. 10 official], [No. 10 official] and [No. 10 official]). <sup>49</sup> This finds further support in the lobby script email dated 8 December 2021 (at 11.19am): “as the Prime Minister has set out, he has asked the Cabinet Office to establish the facts around these reports. [Need to be clear this is the 18 dec gathering]” (Bundle 1, Pages 212-213).

received assurances in respect of the 18 December 2020 event from Jack Doyle on multiple occasions and independently from James Slack. Andrew Griffith MP, who attended my daily Office meeting, has given evidence to the Committee that he was present when I was “given assurances by multiple different 10 Downing Street staff”, and Sarah Dines MP says the same, although she is not sure of the exact date. By “repeatedly” I meant on more than one occasion and by more than one person. That was correct. The Committee’s suggestion that I did not receive repeated assurances is contradicted by:

(1) Jack Doyle’s evidence to the Cabinet Office investigation:

*“SG: Can we step forward a bit to the assurances that you provided to the PM – the line he gave in parliament is that he was repeatedly being assured that there was no party and that the rules were not broken. Was that you who gave him those repeated assurances?”*

*JD: In discussion with colleagues yes, in broader discussion – I spoke to the PO, Dan R who was in and out of no 10. I had a conv with the PM when this came up and 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 – the rules is a judgment for others it was not an organised party.*

*SG: So to say this in Parliament is a big thing for the PM.*

*JD: He had conversations with others as well.*

*SG: So I have heard you are brill at your job but are you too close to this – what did you tell him exactly?*

*JD: So I said that we have had an enquiry from the mirror that it was about a series of events – the [No. 10 official] 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?*



*SG: Did he ask what had happened to allow him to form a judgment? In many way someone's description about a party is not another's. You would want to get to the facts and did you do any of that with him? He has been tremendous about this, he really has.*

*JD: So I recall that the enquiry came in late in the afternoon and I had 500 million things to do and this registered as significant and being there (at the event) in one form or another obviously I was in a senior position at the time and you know, your personal involvement is a factor but you know, short of – I don't know what my alternative course of action would have been.*

*SG: If you hadn't been involved, you would have wanted to interrogate what had happened. Should you have said to him, I don't regard this as a party but we were in a small space. I had 20 to 30 people, I was giving out awards, people drinking and it went on late and went on to early hours of morning."*

*JD: We had a very quick conversation.*

*SG: Nothing written down? What about the Lobby script?*

*JD: We went through it at pmqs for the following day. We had a de minimis line – the lobby line."<sup>50</sup>*

- (2) Jack Doyle's evidence to the Committee;<sup>51</sup>
- (3) The WhatsApp correspondence between Jack Doyle and me which I voluntarily provided to the Committee in response to its request;<sup>52</sup>

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<sup>50</sup> Bundle 2, Page 390.

<sup>51</sup> "As per my evidence to the Sue Gray report, in relation to the events I attended I said I believed no rules were broken... I advised the PM that I did not consider the event of 18<sup>th</sup> December 2020 to be a party, as per my evidence to the Cabinet Office investigation" (Bundle 2, Page 864).

<sup>52</sup> Bundle 2, Page 918.

(4) James Slack's evidence to the Committee;<sup>53</sup>

(5) Andrew Griffith MP's<sup>54</sup> evidence to the Committee:

*"Based upon everything that I personally saw or heard [between 17 September 2021 to 3 February 2022] in that period as the Prime Ministers' PPS, it is my honest belief that Mr Johnson did not deliberately or negligently mislead the House... I recall 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... 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 article was "Are they kidding me? We were all working our socks off during Covid – no one had time for any parties!"... "I recall that in the daily Office Meeting, as newspapers initially published allegations of events, Mr Johnson was given assurances by 10 Downing Street staff present under question 2 (b) (iii) above. This was a daily meeting with a varying cast list of officials and advisors, and I do not recall whom or the precise dates"<sup>55</sup>;*

(6) Sarah Dines MP's evidence to the Committee:

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<sup>53</sup> "To the best of my recollection I had one discussion only with Mr Johnson relating to gatherings in No10, which is the telephone conversation referenced above. This discussion concerned the gathering on 18 December 2020 only, and in the terms described by Mr Johnson ie my belief that the Covid rules were followed at the event" (Bundle 2, Pages 852 – 853). James Slack was asked by the Committee to confirm my own recollection, given to the Cabinet Office investigation, in which I mistakenly said this conversation took place "after the Commons". However, my WhatsApp messages confirm that, in fact, it took place on 7 December 2021, the night before PMQs, and I recall that I was in Downing Street at the time of the conversation – see Page 918 of bundle "have talked to slackie" sent at 10.06pm on 7 December 2021.

<sup>54</sup> Andrew Griffiths MP was my Parliamentary Private Secretary alongside Sarah Dines MP.

<sup>55</sup> Bundle 2, Page 830.

*“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 as 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 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... On balance, I think this would have been around the meetings on 1-8 December 2021, and not as late as January 2022”;*<sup>56</sup> and

(7) Martin Reynolds’ evidence to the Committee:

*“I believe that reassurances were provided by some of the senior communications team staff who were present at the event, including Jack Doyle”.*<sup>57</sup>

91. In its Fourth Report, the Committee has made a number of criticisms in respect of my statement, although it is not clear how those criticisms go to the issue as to whether or not the statement misled Parliament:

- (1) The Committee states that I had personal knowledge about gatherings which I had attended which I could have disclosed (Fourth Report, §32(c)(i)). I have addressed that at §81(3) above.
- (2) The Committee states that it has 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*

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<sup>56</sup> Bundle 2, Page 858.

<sup>57</sup> Bundle 2, Page 848C.

*with the Covid rules*” (Fourth Report, §32(c)(ii)). However, my statement to Parliament did not indicate that I had received any such assurance. I had not.

- (3) The Committee states that the assurances were only about the gathering on 18 December 2020 (Fourth Report §32(c)(iii)). I agree. However, as I have explained, and as the context makes clear, the statement that I made on 8 December 2021 related exclusively to the 18 December 2020 event.
- (4) The Committee states that the context for the initial assurance was in response to a media inquiry (Fourth Report, §32(c)(iv)). That is correct, but as I explain above it was the subject of detailed consideration and review by many officials subsequent to that. In any event, I do not see the relevance of this to whether or not the opening statement made to the House was misleading.
- (5) The Committee states that the initial assurance came from the Director of Communications, who was a special adviser at No. 10. That is correct, and the assurance was subsequently confirmed by the former Director of Communications (Fourth Report §32(c)(v)). Once again, I do not see the relevance of this to whether or not the opening statement made to the House was misleading. Jack Doyle was the most senior person still working for me who had been present at the 18 December 2020 gathering.

(6) The Committee has stated that the assurances consisted “*only of what those individuals themselves believed about the compliance of the gathering of 18 December 2020 with the rules*” (Fourth Report §32(c)(v9)). That is obviously right, but nothing I said to the House suggested otherwise.

92. In my opening statement, I also anticipated the possibility that the statement that I made to the House on 1 December 2020, and the assurances that I had received by others, may turn out to be incorrect, because after explaining the assurances I said “*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*”. In other words, I was telling the House what I honestly believed based on my own understanding, and what I had been told by others, but I acknowledged that the truth would be established independently, and that I might subsequently be found to have been wrong. I also explicitly stated that I would file a copy of the report in the Library of the House of Commons. I do not see how this could conceivably be described as misleading the House.

93. Later in the session, Catherine West MP asked me: “*Will the Prime Minister tell the House whether there was a party in Downing Street on 13 November*”. I responded: “*No but I am sure that whatever happened, the guidance was followed and the rules were followed at all times*”. I appreciate that the meaning of this statement is not entirely clear. At the time, I did not know what event Catherine West MP was referring to, and it remains unclear whether this is a reference to the 13 November 2020 event addressed at §§53-59 above, or another

event later the same day. I had attended both events. At the time I was confident that neither event was a “party”, and, based on my knowledge of the events, I honestly and reasonably believed that the Rules and Guidance has been followed at those events. Of course, at the time, it remained my view that the Guidance had been followed at all times in No. 10, which is what I had said on 1 December 2020, but I was talking specifically about events which I had personally attended when I answered Catherine West MP.

94. Martin Reynolds, in his statement to the Committee states that “I believe that at the time the story broke in November 2020 there was a collective belief in the Cabinet Office and Downing Street that we had operated within the rules during lockdown and that any events which took place had been legitimate, work-related gatherings”.<sup>58</sup> Mr Reynolds also confirms that he believes that “reassurances were provided by some of the senior communications team staff who were present at the event, including Jack Doyle”.<sup>59</sup> That is consistent with what I have said above.

95. In his statement, Mr Reynolds recalls a conversation with me prior to PMQs on 8 December 2021 when he “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” and that I “agreed to delete the reference to guidance”.<sup>60</sup> I do not recall this conversation, but it is consistent with what I have said above. I believe Mr Reynolds was simply noting the fact that, in light of “the nature of the working

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<sup>58</sup> Bundle 2, Page 848B.

<sup>59</sup> Bundle 2, Page 848B.

<sup>60</sup> Bundle 2, Page 848C.

*environment in No 10*", it was not always possible to observe perfect social distancing.<sup>61</sup> As I have explained above, that was envisaged and provided for in the Guidance. I removed the reference to Guidance in my opening statement on 8 December 2021 to ensure it was consistent with the reassurances that I had received at that point (which only related to the Rules and to the event on 18 December 2020). It remained the case that my honest and reasonable belief as at 8 December 2021 was that the Rules and Guidance had been complied with in No. 10.

96. At that stage, I anticipated the Cabinet Office investigation to be concluded by Christmas. Regrettably, it took longer than that.

**Statement in relation to the Sue Gray inquiry on 15 December 2021, 12 January 2022 and 19 January 2022**

97. In the Fourth Report, the Committee refers to statements that I made to the House of Commons on 15 December 2021, 12 January 2022 and 19 January 2022 (at §31). It is not alleged that I misled the House on any of these occasions. Rather, it appears to be suggested that I should have sought to correct the record on one of these occasions. I deal with that point at §§108-110 below.

**RELYING ON ASSURANCES FROM OFFICIALS**

98. For the 18 December 2020 event, I relied on assurances I had received from my advisers and, it is clear now, those assurances were wrong. As Prime Minister, I am reliant on advice from officials. There is

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<sup>61</sup> Bundle 2, Page 848C.

nothing reckless or unreasonable about that. I was focused on difficult decisions concerning the pandemic (as well as other business that the Prime Minister needs to address), my diary is packed, No. 10 is a complex environment, and I was constantly in and out of the building. My knowledge of what was going on at any given time was imperfect and mostly second-hand. A Prime Minister cannot be expected personally to investigate matters such as these. I had to rely on, and was fully entitled to rely on, what I was told by my senior, trusted advisers.

99. As I explained above, prior to my statements to the House on 1 and 8 December 2020, I spoke to senior officials who had attended the event on 18 December 2020. It was reasonable for me to find out what had happened from the people who were actually there.
  
100. In forming my honest and reasonable belief, I also relied on what I had not been told. As I explained above, I never received any warning before any event that anyone had concerns that an event might break the Rules or Guidance. No one advised me after any of these events that they were against the Rules or Guidance, or, more importantly, that they had been allowed to go on in such a way as to breach the Rules or Guidance. No one came to me and said that we had a problem with a particular event, that had gone on unnecessarily in the Cabinet Office, or in the Press Office. The Committee has trawled the contemporaneous documents, and not found a single record that indicates that I ever received any such warning. At the time, it seemed implausible to me that there could have been unlawful events at No. 10 without one of my many officials making me aware of it.



**THE COMMITTEE’S VIEW THAT BREACHES OF THE GUIDANCE  
WOULD HAVE BEEN “OBVIOUS”**

101. In its Fourth Report (at §33), the Committee states: “*The evidence strongly supports that breaches of guidance would have been obvious to Mr Johnson at the time he was at the gatherings*”. That proposition is footnoted, but the only evidence relied upon in that footnote is “*photographs of Mr Johnson’s attendance of gatherings*”.
102. I note that the Committee has not suggested that breaches of the Rules would have been “*obvious*” to me. It is plainly correct not to do so, for all of the reasons given above (see in particular §§34-41), including the fact that, with the exception of the 19 June 2020 event, I did not receive any fixed penalty notice in relation to any event that I attended.
103. I also note that this is the clearest illustration of the Committee straying beyond its terms of reference. The Resolution is exclusively concerned with assertions regarding compliance with the Regulations, not the Guidance (see §§12-16 above).
104. But in any event, the Committee’s new allegation of “*obviousness*” is fundamentally flawed. As I explained above, if it was “*obvious*” to me that the Rules and Guidance were not being followed, it would have also been “*obvious*” to the dozens of others who also attended those gatherings. Many of those individuals wished me ill and would have no hesitation in seeking to bring me down me if I sought to conceal or “*cover-up*” the truth from the House. If someone had known or believed that the Rules or Guidance had been broken

(because it was "*obvious*"), you would expect that there would have been contemporaneous documents recording this, including emails or WhatsApp messages: some discussion, or some post-mortem. There is absolutely nothing.

105. There is no such evidence because those working within No. 10 believed that what they were doing was within the Rules and Guidance. That is precisely what the majority of evidence before the Committee demonstrated. Those working at No. 10 believed what they were doing – when they were being thanked for their efforts, when they were saying farewell to a colleague – was consistent with the Rules and the Guidance. If the Committee is saying that it must have been "*obvious*" to me that the events that I attended were contrary to the Rules or Guidance, then it must have been obvious to them too. If the Committee says that I am lying about what I knew or thought, because I "*must have known*", then that logic applies equally to others who have given evidence to the Cabinet Office inquiry and this Committee.
106. The Committee seeks to rely on photographs of the events. However, those photographs support the fact that this was not "*obvious*". The photographs were not covertly taken. They were taken by the official No. 10 photographer. Any suggestion that we would have held events which were "*obviously*" contrary to the Rules and Guidance, and then allowed those events to be captured by the official photographer, is inherently implausible.
107. Finally, the Committee appears to be relying on a small number of WhatsApp messages which, it considers, suggests 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” (Fourth Report §33). There are two short points in response to that point. The first is that, insofar as there were any concerns, none of those were communicated to me. These are internal messages between advisers. There is no suggestion at all that these concerns were passed on to me. Second, and in any event, the messages are from 25 January 2022, some two months after I made my statements to the House of Commons.*

### **CORRECTING THE RECORD**

108. I corrected the record on 25 May 2022. This was six days after the investigation of the Metropolitan Police had concluded, and the same day that Sue Gray published her report. At the time I believed – and I still believe – that this was the earliest opportunity at which I could make the necessary correction. I established the Cabinet Office investigation in order to ascertain the facts, and, as soon as those facts had been fully and properly established, I came to the House to address those facts and correct the record. It would not have been fair or appropriate to have done so any earlier, particularly in circumstances where, prior to 19 May 2022, there was a live and ongoing police investigation into these very events.
109. At all times, I was entirely transparent with the House, and I made it clear that I did not intend to comment on any of the factual matters until the investigations by the Metropolitan Police and Sue Gray had concluded. I kept the House updated on the investigations as much as I reasonably could, including on 12 January 2022 (when reports of

the 20 May 2020 gathering emerged), 25 January 2022 (when the Metropolitan Police Commissioner announced the investigation), 31 January 2022 (when the interim Sue Gray report was published) and 19 April 2022 (the first sitting day after recess after I received and paid a fixed penalty notice on 12 April 2022).

110. I believe that my statement to the House of Commons on 25 May 2022, 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, and that that correction was made as soon as reasonably possible.

**BORIS JOHNSON MP**

**20 March 2023**