

# Did Johnson mislead parliament?

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I will, unfortunately, be in meetings for much of this afternoon, and as a result will not be able to see Boris Johnson's appearance before the House of Commons committee that is considering whether he has misled Parliament. However, as almost everything else has something to say on this issue this morning, so will I.

As I see it, there are a series of questions that this committee will have to answer. The first is whether or not Johnson did, as a matter of fact, mislead Parliament. In other words, was what he factually said to the House of Commons in November and December 2020 inaccurate?

On this question, I really do not think that there is much dispute as to the proper answer. It is very clear that what Johnson said was inaccurate. Indeed, he has admitted that fact in his submission of evidence to the committee, so this is beyond dispute. The claims that Johnson made that Covid regulations and guidance were followed on all occasions were wrong. Those regulations and guidance were not followed.

What then has to be considered is whether he misled the House of Commons knowingly, intentionally or recklessly, with each representing an escalation of the alleged offence.

Until now, Johnson had not confirmed at which of the alleged parties he was present. We now know that he was present at at least five of them. What we therefore know is that he had the opportunity to appraise the evidence of the behaviour of others and himself at the time against the regulations and guidance that he was personally responsible for issuing under powers granted to him by parliament.

The test of whether he knowingly misled Parliament, given that these regulations were law, and the guidance was used to interpret that law by those with responsibility for enforcing it, is not in that case what his own thinking and expectations were. The criteria to be used for appraisal is whether a reasonable person should have known that the regulations and guidance were being breached. Law is not, after all, written for the benefit of the law maker (or at least it should not be). It is instead written to be

applied generally with ignorance of the law being no excuse for breaking it.

What this means is that whatever Johnson has to say about the advice he received or the claims that he might make that others breached the law with him, is of absolutely no consequence in this case, and can be ignored by the committee. The test is not that others broke the law, so he could. It is personal and is whether he should have known that the law was being broken. I sincerely hope the committee dismiss any evidence on his nit knowing quickly in that case. It is inconsequential. And they need to do so quickly: this is where he will wallow in the hope of winning a sympathy vote.

The only actual question that need to be asked is whether a reasonable person in the situation in which Johnson found himself, encountering staff drinking, without social distancing, with more than two persons present, at an event that was clearly not related to their work duties, would have concluded given the observed behaviour that there was a party going on. If the committee decide a reasonable person would have reached that conclusion, given that the law necessarily required that they consider it, then no further evidence with regard to Johnson's intentions matter. He was guilty of knowingly misleading parliament because he had failed to appropriately appraise the evidence that was available to him as he was required to do by law by being there.

Johnson could, of course, have admitted a mistake. He could, when challenged, have said that he thought there was no party, but now appreciated that his judgement on this was wrong, and therefore he now wished to correct the record. He would have looked stupid. He would have admitted breaking the law. He would have admitted that many others had broken the law (which, as a matter of fact, we now know that they did). He would also have misled Parliament, but he would have put the matter right.

However, when this issue was drawn to his attention, he did not do that. He denied that there had been parties. He asked others to determine facts that he knew for himself. He did not disclose all those facts on a timely basis. He refused to discuss the evidence. He did not use the power of hindsight to reappraise what he already knew. That can only have been intentional. That intentional act led to parliament being misled for much longer than it need have been. He is, therefore, *prima facie* guilty of that charge.

The final question is whether this was reckless. In essence this asks whether or not he intentionally misled Parliament with the hope that he might get away with having done so. In other words, he gambled on the consequences.

Again, *prima facie*, that appears to be the case: he hoped that by delaying correcting the record he might be exonerated by the Sue Gray report or by the police who were investigating the parties. What we now know is that this was not the case. He was fined by the police. The Sue Gray report made it clear that there were parties and Johnson had been at some of them. He was reckless in hoping that the conclusion might have been otherwise.

Johnson will not wish the committee to take this direction of travel this afternoon. He will do his utmost to derail it by claiming that he was advised by others and therefore his actions were reasonable and that he could not have known what was going on. As noted above, the committee has to ignore all of this, and make it clear that they will do so very quickly. They are only required to consider the facts and to consider whether or not he should reasonably have known that the regulations and guidance with regard to Covid at the time that these events took place were complied with, or not. The rest of us were required to form such judgements. Johnson's claim that he was not required to do so but could rely on others is absurd. That is the kernel of this issue. Nothing else matters. I hope that the committee agree, and make this their focus.