



House of Commons
Committee on Standards

**Boris Johnson: Further
Report**

Seventh Report of Session 2017–19

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

*Ordered by the House of Commons
to be printed 8 April 2019*

Committee on Standards

The Committee on Standards is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Financial Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner; and to recommend any modifications to the Code of Conduct as may from time to time appear to be necessary.

Current membership

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[Mrs Tammy Banks](#) (*Lay member*)

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Powers

The constitution and powers of the Committee are set out in Standing Order No.149. In particular, the Committee has power to order the attendance of any Member of Parliament before the Committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of the Commissioner, be laid before the Committee. The Committee has power to refuse to allow its public proceedings to be broadcast. The Law Officers, if they are Members of Parliament, may attend and take part in the Committee's proceedings, but may not vote.

Publications

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Committee staff

The current staff of the Committee are Robin James (Clerk), Medha Bhasin (Second Clerk) and Jim Camp (Committee Assistant).

Contacts

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Report

1. This Report arises from an inquiry by the Parliamentary Commissioner for Standards into late registration of a financial interest by Rt Hon Boris Johnson MP. The inquiry was undertaken by the Commissioner at her own initiative.
2. We publish with this Report a memorandum by the Commissioner in which she sets out the detailed background to her inquiry and her conclusions.¹ We will therefore set out here a very brief resume of the material points.
3. On 17 January 2019 Mr Johnson registered an interest in the form of a 20% share of a property in Somerset. He had been notified of his acquisition of this interest on 25 January 2018. This meant that the registration was outside the 28-day time limit set by the House.
4. Mr Johnson told the Commissioner that he had initially misinterpreted the rules relating to registration. These require that “Members must register any land or property in the UK or elsewhere which (i) has a value of more than £100,000; or forms part of a total property portfolio whose value exceeds £100,000; and/or (ii) alone or together with other properties owned by the Member, provides rental income of more than £10,000 in a calendar year”.² Mr Johnson had registered a house in London, owned jointly with his wife, which met the threshold in (i) above from 1 November 2016 and that in (ii) above from 1 March 2017. He stated that he had understood these thresholds to apply to individual assets and that he had therefore assumed that his 20% share in the Somerset property from 25 January 2018 did not exceed either of the thresholds, and therefore did not need to be registered.
5. Mr Johnson has apologised to the Commissioner for his misreading of the rules. He stated that it was only in January 2019 that “I realised I had inadvertently misinterpreted the rules and sought to make amends”.³ He argued that he had been misled by the descriptor of the relevant category in the Register of Members’ Financial Interests, “*Land and property portfolio*”, into thinking that the thresholds applied separately to separate assets.
6. In her memorandum the Commissioner comments that she had told Mr Johnson in correspondence that “I [do] not think that Members should be in any doubt that it is the combined value of the properties owned/rentals received which is the measure for registration”.⁴ She states that “I accept that the Member had misunderstood the House’s rules but he should have checked more carefully what was required of him”.⁵ She added that:

it is the Guide to the Rules which explains what Members should and should not register. Members should not rely solely on the category headings in

1 Appendix 1; written evidence accompanying the Commissioner’s memorandum is published on the Committee’s website.

2 Guide to the Rules, chapter 1, para 47

3 Appendix 1, para 15

4 Appendix 1, para 16

5 Appendix 1, executive summary

the Register. Paragraph 47 of chapter one of that Guide clearly requires Members to aggregate the value of, and rental income from, any land and property portfolio.⁶

7. The Commissioner states that, in other circumstances, she might have considered concluding her inquiry by way of the rectification procedure. However, she took also into account that this was not a single instance of late registration. In autumn 2018 she concluded an investigation into a complaint against Mr Johnson which established that on four previous occasions in the recent past he had been late in registering financial interests; this involved nine separate payments. In our Fourth Report of the current Session, following a memorandum from the Commissioner, we concluded that Mr Johnson had indeed breached the rules of the House by failing to register remuneration within the required timetable on nine occasions.⁷ We recommended that Mr Johnson should make an apology to the House on a point of order, which he did, on 6 December 2018.⁸

8. The Commissioner notes that during her previous inquiry she had asked Mr Johnson to confirm that his entry in the Register of Members' Financial Interests was up to date. He gave her that assurance on 24 October 2018. The Commissioner concludes that:

Mr Johnson has co-operated fully with my inquiry, but his failure to check properly that he brought his Register entry up to date during the last inquiry might be regarded as showing a lack of respect for the House's rules and for the standards system. That does not demonstrate the leadership which one would expect of a long-standing and senior Member of the House, nor compliance with the general principles of conduct.⁹

9. For these reasons the Commissioner has referred the matter to the Committee on Standards "for them to consider whether any further action is required".¹⁰

10. We are grateful to the Commissioner for referring this matter to us. We invited Mr Johnson to comment and in response he has written to us; the letter, dated 1 April 2019, is published as Appendix 2.

11. There is no dispute about what happened or that a breach of the House's rules took place. In assessing the seriousness of the breach, we take into account, in accord with our usual practice, what we consider to be mitigating and aggravating factors.

12. We assess the following to be mitigating factors:

- Once Mr Johnson became aware that he had breached the rules, he took immediate action to set the matter right.
- Mr Johnson has apologised to the Commissioner, and repeated that apology in his letter to the Committee.
- The Commissioner has accepted, as do we, that Mr Johnson did not intend to break the rules or to conceal his acquisition of a financial interest.

6 Appendix 1, para 23

7 Committee on Standards, Fourth Report of Session 2017–19, *Boris Johnson* (HC 1797), published 6 December 2018, paras 15–16

8 Official Report, 6 December 2018, col 1080

9 Appendix 1, para 29

10 Appendix 1, executive summary

- We note the Commissioner’s own view that, in itself, this is a matter which could have been dealt with under the rectification procedure; and we note that a recent breach of the rules by another Member in almost identical circumstances was so dealt with.¹¹

13. We assess the following to be aggravating factors:

- It is just over three months since we published a Report noting that Mr Johnson had broken the rules by late registration of financial interests on nine recent occasions, and required him to apologise to the House. The failure to register his interest in the Somerset property has therefore to be seen in the context of these other failures to register on time.
- As part of that previous investigation, Mr Johnson gave an undertaking that he had checked his Register entry and found it to be up to date. As he now acknowledges, that has proved not to be the case.
- Although Mr Johnson has argued that “the rules [should] be clarified so as to reduce the possibility of confusion”, we agree with the Commissioner that the problem lay not with the rules, which we consider are clear, but with Mr Johnson’s failure to consult the Guide to the Rules which, as the Commissioner states, “explains what Members should and should not register”. We agree with the Commissioner that “he should have checked more carefully what was required of him”.¹²
- As we noted in our previous Report, Mr Johnson is a senior and experienced Member of the House, who could reasonably be expected both to understand the basic rules relating to registration of financial interests, and to set a good example to other Members in obeying the rules.¹³

14. We conclude with concern that these two investigations by the Commissioner in rapid succession demonstrate a pattern of behaviour by Mr Johnson. While there is no suggestion that he has at any time tried deliberately to conceal the extent of his interests, this latest breach reinforces the view which we expressed in our previous Report, that he has displayed “an over-casual attitude towards obeying the rules of the House”, in conjunction with “a lack of effective organisation within [his] office”.¹⁴ We find it particularly regrettable that Mr Johnson gave an assurance to the Commissioner that his registration of financial interests was up to date, and within a very short period it proved not to be.

15. We acknowledge Mr Johnson’s repeated apologies for these breaches of the rules, most recently in his letter to us dated 1 April 2019. We require that Mr Johnson should meet with the Registrar of Members’ Financial Interests in person to receive a full briefing from her about his obligations as a Member to register all relevant interests

11 See the details published on the Commissioner’s website: <https://www.parliament.uk/documents/pcf/rectifications/Joseph-Johnson-MP-final-version-of-decision.pdf>

12 Appendix 2; Appendix 1, executive summary and para 23

13 HC (2017–19) 1797, para 14

14 Ibid

in accordance with the rules. Should we conclude in future that Mr Johnson has committed any further breaches of the rules on registration, we will regard this as a matter which may call for more serious sanction.

Appendix 1: Memorandum from the Parliamentary Commissioner for Standards—Rt Hon Boris Johnson MP

Executive summary

This inquiry focuses on late registration of one of the Member’s financial interests in the Register of Members’ Financial Interests. I began the inquiry on 4 February 2019 on my own initiative because the Member had, only recently, been the subject of another inquiry into the late registration of his earnings and, during the course of that inquiry, he had given me an assurance that his register entry was up to date. It was not.

The Member immediately acknowledged and apologised for this additional late registration when I brought the matter to his attention. I might, in other circumstances, have concluded an inquiry into a single late registration by way of the rectification procedure. I did not consider that to be appropriate on this occasion.

In my Memorandum to the Committee on Standards about the previous inquiry I said that the facts suggested “*a lack of attention to, or regard for, the House’s requirements rather than oversight or inadvertent error*”. I am concerned that Mr Johnson’s failure during that inquiry to check properly that he had brought his Register entry up to date might be regarded as showing a lack of respect for the House’s rules and for the standards system. I accept that the Member had misunderstood the House’s rules but he should have checked more carefully what was required of him.

I therefore refer this matter to the Committee on Standards for them to consider whether any further action is required.

Background

1. I began this inquiry on my own initiative on 4 February 2019. On 26 November 2018, I had concluded an inquiry into an allegation of late registration of financial interests (outside income) by the Rt Hon Boris Johnson MP by referring a memorandum to the Committee on Standards. The Committee upheld the allegation of a breach of paragraph 13 of the 2015 Code of Conduct for Members, and on 6 December 2018 asked Mr Johnson to make a formal apology to the House. He did so the same day by way of a point of order.
2. During my inquiry I had asked Mr Johnson to confirm that his entry in the Register of Members’ Financial Interests was up to date. He gave me that assurance on 24 October 2018.
3. On 17 January 2019 Mr Johnson registered his interest in a property in Somerset. He held a part share in the property and registered that the interest had arisen on 4 October 2018. Based on the dates provided to the Registrar then, the registration was outside the 28-day time limit set by the House and I began an inquiry on my own initiative.

Relevant rules of the House

4. Paragraph 8 of the 2015 House of Commons' Code of Conduct for Members states that

In carrying out their parliamentary and public duties, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office. These principles will be taken into account when considering the investigation and determination of any allegations of breaches of the rules of conduct in Part V of the Code."

5. The seven general principles of conduct are selflessness; integrity; objectivity; accountability; openness; honesty and leadership. Each principle has a brief description in the Code. Accountability is described thus

"Holders of public office are accountable for their decisions and actions and must submit themselves to whatever scrutiny is appropriate to their office."

The descriptor for the principle of leadership states

"Holders of public office should promote and support these principles by leadership and example."

6. Paragraph 13 of the 2015 Code of Conduct (the Code) for Members states that

Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. They shall always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders."

7. The same text appears in paragraph 14 of the Code in the 2018 version of the Code, which came into force on 19 July 2018.

8. Paragraphs 47–50 of chapter 1 of the Guide to the Rules relating to the conduct of Members states:

Threshold for registration

47. Members must register, subject to the paragraphs below, any land or property in the UK or elsewhere which:

(i) has a value of more than £100,000; or forms part of a total property portfolio whose value exceeds £100,000; and/or

(ii) alone or together with other properties owned by the Member, provides rental income of more than £10,000 in a calendar year.

Requirements for registration

48. Under this category Members must register:

a) Land or property which they own or hold, either by themselves or with or on behalf of their spouse, partner or dependent children.

49. Members should not register under this category:

a) Any land or property which is used wholly for their own personal residential purposes, or those of their spouse, partner or dependent children.

50. Members are required to provide the following information

a) The type of property; e.g. whether it is business or residential, and if land, the type of use to which it is put; and

b) Its location, for example, the relevant local authority area; and

c) Whether the holding falls to be registered under (i) and/or (ii) of paragraph 47 above. If rental income is paid to another person or organisation, this should be stated;

d) The date on which the property or land was acquired, or when the value of the property (or rental received) reached registrable value.

My inquiry

9. I have obtained evidence from Mr Johnson and from the Registrar during this inquiry. The inquiry itself was a straightforward one and, in other circumstances, might have been resolved by way of the rectification procedure available to me under House of Commons Standing Order No 150.

Evidence

10. On 17 January 2019 Mr Johnson's office telephoned, and then emailed, the Registration team. They said that they had become aware that he owned a share of a property in Somerset which needed to be registered in the Register of Members' Financial Interests. They attached a registration form, which recorded the date on which the property was acquired as 4 October 2018. Mr Johnson's entry in the Register published on 21 January 2019 was duly updated to reflect that addition to his financial interests.

11. Mr Johnson's entry in the Register of Members' Financial Interests of 21 January 2019 showed in category 6

Land and Property portfolio: (i) value over £100,000, and/or (ii) giving rental income of over £10,000 a year

From 1 November 2016, house in London, owned jointly with my wife: (i) and, from 1 March 2017, (ii). (Registered 20 March 2017)

From 4 October 2018, a 20% share of a residential property in Somerset: (i) and (ii). (Registered 17 January 2019)

12. On 4 February 2019 I wrote to Mr Johnson to tell him that I had begun an inquiry and invited his comments, as well as asking him several specific questions.

13. On 5 February 2019 Mr Johnson told me that he had understood that the thresholds in paragraph 47 of the Guide to the Rules applied to his share of the asset in question and that his 20% share in the property did not exceed either of the thresholds. Nonetheless, he accepted that the interest should have been registered and apologised for his breach of the rules.

14. Mr Johnson told me that he had considered registering the interest sooner but had concluded that it was not necessary to do so. He had registered it when he was notified of an income of £140 having been received on 4 October 2018. He said he had asked for his office in Parliament to be updated on any future correspondence relating to Johnson family trusts and that he would doublecheck his register entry and contact the Registrar.

15. During the evening on 5 February 2019 Mr Johnson emailed the Registrar. He said that in October 2018 he had begun to review thoroughly his entry in the Register of Members' Financial Interests. He had thought then that, under the heading for land and property, the registration thresholds applied to the value of his share of the individual property and to his share of the rent. He said

“Having gone through my papers with [redacted], I see that I was copied in on an email to [a family member] on 25 January 2018 from [name of firm of solicitors], notifying my father that the transfer of the property had been finalised with the Land Registry. This is different to 4 October which is the date I received correspondence relating to the property including a cheque for the sum of £140. As mentioned in previous correspondence, it was only in January 2019 that I realised I had inadvertently misinterpreted the rules and sought to make amends.

16. I wrote to Mr Johnson on 11 February 2019. I drew to his attention that subparagraphs 47(i) and 47(ii) of chapter one of the Guide to the Rules set the thresholds clearly in the context of the total value of, or total rental income derived from, any land or property portfolio held by the Member. I said that I did not think that Members should be in any doubt that it is the combined value of the properties owned/rentals received which is the measure for registration.

17. On 6 March 2019 Mr Johnson replied. He acknowledged and apologised again for his breach of the rules.

Facts

18. Mr Johnson was three months late registering his joint ownership of property in London in March 2017. Although not the focus of my inquiry, this is a matter of fact. The interest was registered on 20 March 2017, having first become registrable on 1 November 2016.

19. Mr Johnson was eleven months late in registering his shared interest in a property in Somerset.

20. Mr Johnson's assurance that his entry in the Register of Members' Financial Interests, given on 24 October 2018, was inaccurate.

21. It is also a fact that at the time Mr Johnson acquired this interest he was also a Government Minister, with all the additional responsibilities and work that that entails.

Analysis

22. I do not accept that Mr Johnson could reasonably have thought, if he had considered the matter carefully, that the descriptor of category 6 in the Register of Members' Financial interest - "*Land and property portfolio*" - would mean that he needed to take into account only the value of his 20% share in the Somerset property and his 20% share in the rental income when considering registration of this interest in the Register of Members' Financial Interests. The descriptor in the Register does not include all the text in paragraph 47 of chapter one of the Guide to the Rules but I do not think that would explain this misunderstanding.

23. As Mr Johnson is aware, it is the Guide to the Rules which explains what Members should and should not register. Members should not rely solely on the category headings in the Register. Paragraph 47 of chapter one of that Guide clearly requires Members to aggregate the value of, and rental income from, any land and property portfolio.

24. Mr Johnson had previously registered, albeit late, a jointly-owned property on the basis of its value exceeding the £100,000 threshold in March 2017. Any additional property interests he acquired while retaining that interest, however small an addition, would add to the total value of his portfolio and require registration. Similarly, he had previously registered rental income from the London property and any rental income from another property, however small the income, would require registration.¹⁵

25. I have no reason to think that Mr Johnson had any intention to conceal his acquisition of a 20% interest in the property in Somerset. I appreciate that he, in common with most if not all other Members, will receive many more items of correspondence than the average person. And, on 25 January 2018, when he was notified of the transfer of the property, he held the post of Foreign Secretary, which would have added significantly to his workload and reduced the time available to him for personal administration.

26. Nonetheless, as a senior and long-standing Member he should have made sure that he had appropriate arrangements in place so that he could '*fulfil conscientiously*' the House's rules on the registration of their financial interests. He evidently did not do so.

27. When I submitted my Memorandum to the Committee in November 2018, I said that Mr Johnson's late registration of remuneration from employment demonstrated a lack of attention to, or regard for, the House's requirements rather than oversight or inadvertent error. The original failure to register Mr Johnson's acquisition of a 20% share in the Somerset property predated that observation and might reasonably be regarded as part of the same pattern of behaviour. But Mr Johnson's failure to check his register entry properly in October 2018 before telling me that it was accurate cannot. This was a separate and additional lack of care and attention to the rules which apply to all Members of the House.

15 Property used wholly for the Member's own personal residential purposes, or those of their spouse, partner or dependent children is exempt from registration

Conclusion

28. In other circumstances, I might have considered concluding this inquiry by way of the rectification procedure. Mr Johnson has already acknowledged and apologised for his breach of the rules, and I would - if I were to conclude the inquiry in that way - ask the Registrar to italicise the relevant register entry to show that it had been the subject of an inquiry and the rectification procedure applied.

29. However, for the reasons outlined above, I do not accept that this was an inadvertent breach of the rules. Mr Johnson has co-operated fully with my inquiry, but his failure to check properly that he had brought his Register entry up to date during my last inquiry might be regarded as showing a lack of respect for the House's rules and for the standards system. That does not demonstrate the leadership, which one would expect of a long-standing and senior Member of the House, nor compliance with the general principles of conduct.

Kathryn Stone OBE

25 March 2019

Appendix 2: Letter dated 1 April 2019 from Rt Hon Boris Johnson MP to the Clerk of the Committee

I write in response to the memorandum from the Parliamentary Commissioner for Standards concerning the late registration of a one fifth share of a rental property in Somerset. I wish to offer a full explanation as well as an apology.

Last October my office completed a review of all payments received and confirmed that my register was up to date. Alas, at this stage the share in the property was not added, since I am afraid that I misinterpreted the rules.

The value of my share is well below what appeared to be the threshold of £100,000, and any share in the rental income is well below £10,000.

When in January it was drawn to my attention that the threshold in fact related to the value of all property owned - and that the barn should therefore be included - I took immediate steps to update my register.

I accept that this should have been done as soon as the property was given to me (and my siblings), and I accept full responsibility for the error.

Having now carefully reviewed the rules again - at the suggestion of the Commissioner - I do feel that they could be clarified so as to reduce the possibility of confusion.

I repeat my apologies to the Committee for my inadvertent delay in registering the property, and stress that the error was rectified as soon as I became aware of it.

I remain at the disposal of the Committee should you require any further information or clarification.

1 April 2019

Formal minutes

Tuesday 2 April 2019

Members present:

Kate Green, in the Chair

Tammy Banks	Arun Midha
Jane Burgess	John Stevenson
Charmaine Burton	Sir Gary Streeter
Sir Christopher Chope	Paul Thorogood
Rita Dexter	

Draft Report (*Boris Johnson: Further Report*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 15 read and agreed to.

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

Two papers were appended to the Report.

Written evidence received by the Parliamentary Commissioner for Standards (Items 1 to 8) was ordered to be reported to the House for publishing with the Report.

None of the lay members present wished to submit an opinion on the Report (Standing Order No. 149 (8)).

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

[The Committee adjourned.]

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2017–19

First Report	Dame Margaret Hodge	HC 591
Second Report	Independent Complaints and Grievance Policy: Implementation	HC 1396
Third Report	Ian Paisley	HC 1397
Fourth Report	Boris Johnson	HC 1797
Fifth Report	Implications of the Dame Laura Cox report for the House's standards system: Initial proposals	HC 1726
Sixth Report	The Committee's role in ICGS appeals	HC 1976