



**FINANCIAL
TIMES**



ADJUDICATION

by

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EDITORIAL COMPLAINTS COMMISSIONER

Financial Times Limited

INTRODUCTION

1. This is an Adjudication of a complaint brought by Christopher Chandler through his solicitor, Jonathan Coad of Keystone Law. The complaint arises out of a short article (“the Article”) headlined “*Malta grants EU citizenship to Legatum backer*” (“the Headline”) which was written by Cynthia O’Murchu.
2. The Article was published online on 29 January 2018 (where it remains available at URL: <https://www.ft.com/content/110f57ee-02a3-11e8-9650-9c0ad2d7c5b5>) as well as on page 2 of the UK print edition of the *Financial Times* of Tuesday, 30 January 2018, and was trailed on the front page (“the Trailer”). The Trailer was headlined “*Brexit think-tank funder becomes a citizen of the EU*”.
3. The Article concerned a scheme operated by the Maltese government whereby individuals who make a significant contribution to a national development fund can secure, for themselves and their immediate family, Maltese citizenship. As a Member State of the European Union, all Maltese citizens are automatically also citizens of the EU. Although several countries operate such a scheme, Malta is rare in publishing a list of all who acquire its passport through this mechanism.
4. The Article and the Trailer both included that Mr Chandler was a New Zealander by birth, and that he was on a government-published list of those who had acquired Maltese citizenship in 2016 (although no month was specified). The list was published in late 2017.
5. Keystone Law complained about the Article on 1 March 2018, to which Nigel Hanson, Senior Legal Counsel at the FT responded on 6 March 2018. There was a further volley of correspondence on 10 and 14 March 2018. The complaint is made under Clause 1 (Inaccuracy) of the IPSO Code, which is annexed to the FT Editorial Code of Practice, which can be found online at: <https://aboutus.ft.com/en-gb/ft-editorial-code/> .
6. In essence, the complaint is that the Article (but in particular the use of the present tense “grants” in the Headline) gives the impression that the grant of Maltese citizenship was recent (perhaps within weeks of publication of the story) and thus by implication had been sought in response to the result of the Brexit Referendum (which seems likely to result in UK citizens, including all those who wished the UK to remain a Member State, ceasing to be EU citizens).

7. In fact, the application was made in August 2015 (while the EU Referendum Bill was still going through Parliament), and so many months before the Referendum result of 23 June 2016 was known. It was therefore **not** “in response to” or “a hedge against Brexit”. The complaint criticises the FT for what it says is an implicit, untrue allegation of hypocrisy.
8. Therefore, in its first letter of 6 March 2018, the FT (without admitting fault) proposed to publish a Clarification. That was placed at the foot of the online article on 8 March 2018, and on the Letters Page of the print edition of Friday, 9 March 2018, and said:

“Applications by Christopher Chandler and Mark Stoleson for Maltese Citizenship were made in August and July 2015 respectively, and were not prompted by the result of the Brexit referendum in June 2016 [headlines of original articles]”.

FRAMEWORK

9. The FT Editorial Code of Practice incorporates the IPSO Editors Code. This complaint is made under Clause 1 (Inaccuracy), which provides that:

“1. Accuracy

- 1.1 *The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.*
- 1.2 *A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and – where appropriate – an apology published. In cases involving IPSO, due prominence should be as required by the regulator.*
- 1.3 *A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.*
- 1.4 *The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.*
- 1.5 *A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.”*

10. I have explained, in a previous Adjudication¹, the distinction between Clauses 1.1 and 1.2:

¹ Berkley Adjudication, 29 March 2015, at paragraph [8]:
https://ft1105aboutft-live-14d4b9c72ce6450cb685-1b1cc38.aldryn-media.io/filer_public/aa/27/aa27c09e-86e3-45f6-b063-ed809df43foo/2015-01-28_matt-berkley-adjudication.pdf

“However, it is important to understand what exactly constitutes a breach of Clause 1 (Accuracy):

- 8.1 *Clause 1.1 will only be breached if the Press has not taken care to avoid publishing inaccurate information. It is a rule against slapdash journalism that is negligent about setting out the facts. It is not a rule which is breached by the mere presence of any inaccuracy however minor. It is breached only by such inaccuracies that a careful newsroom could and should have avoided publishing.*
- 8.2 *Clause 1.2 will only be breached if the Press has refused to properly correct, clarify or apologise for a ‘significant inaccuracy, misleading statement or distortion’. Clause 1.2 is therefore different to Clause 1.1 in two material respects: first, the inaccuracy must be ‘significant’; and second, the breach is not one of negligent omission, but intentional refusal to amend”*

11. Where there has been a Clarification, as here, it is my practice to deal with Clause 1.2 first.

12. In a different Adjudication², I explained the difference between the three types of error which Clause 1 is designed to prevent:

- “24. *Whether a statement is ‘inaccurate’ (in the narrow sense of factually wrong, and requiring a correction) can be judged by comparing the published information to a provably true version of the information. If they differ, and the difference is ‘significant’, a correction will be directed.*
25. *A statement will be ‘misleading’ where the objective reasonable reader of the FT would take away an erroneous belief about the subject of that statement, even though the statement was true. The words “John Doe has been caught in bed with woman who isn’t his wife” may be perfectly true because John Doe has never married, but if a reasonable reader would take away that John Doe is both married and having an extra-marital affair, the statement is misleading. Significant misleading statements will require clarification, not correction, given that the information is not intrinsically inaccurate.*
26. *What then of ‘distorted’? It clearly is intended to mean something distinct from ‘misleading’. My provisional view is that whereas a misleading statement misinforms the reasonable reader about the factual content of that statement, a ‘distortion’ is an assembly of statements that are neither inaccurate, nor misleading, but collectively give an impression that a reasonable and fair-minded person in possession of all the facts would not have. To say of Adolf Hitler that he was a vegetarian, liked dogs, painted watercolours, and never cheated on his wife might not be inaccurate or misleading in any of the specifics, but would give the most grossly distorted view of his character.”*

²

Portes Adjudication, 29 May 2015, at paragraphs [23]-[26]:
https://ft1105aboutft-live-14d4b9c72ce6450cb685-1b1cc38.aldryn-media.io/filer_public/60/9f/609fb246-1319-4841-8d2f-a7a9b2c5ee2f/2015-05-11_ferguson-adjudication-with-ps.pdf

13. The prohibition on “*headlines not supported by the text*” is part of Clause 1.1, and is given as a specific sub-species of inaccuracy prohibited by that rule. Rather than comparing the facts or statements in the journalistic article to the ‘true’ facts in the real world, this requires me to compare the article to its own headline, to see if the headline is justified.
14. Finally, where necessary, I have also explained in previous Adjudications³ why I have regard to the general law of England & Wales (in particular the law of defamation and privacy) in adjudicating complaints. Not only is it important that complaints under the Code allow matters to be adjudicated without recourse to litigation, but certain forms of complaint under the Code would be impossible to adjudicate without asking questions that the law has answered: for instance, how to resolve ‘inaccuracy’ complaints where the possibility of inaccuracy arises intrinsically out of a contest as to what the words mean: see also *Warby J in NT1 & NT2 v Google LLC* [2018] EWHC 799 (QB) at [79]-[87].
15. Of particular focus in the course of this complaint and its correspondence has been the rule in *Charleston v News Group Newspapers* [1995] 2 AC 65. The House of Lords affirmed a Court of Appeal decision that two actors in the soap opera ‘Neighbours’ could not sue over a headline and photographs which were defamatory **only** if read in isolation (i.e. not read in conjunction with the article as a whole). This decision remains good law, although on the facts of this case, I am not convinced of its centrality to my decision.

DISCUSSION

16. Of the three forms of error (inaccuracy, misleading, distorted), there is no complaint here of the first form in the Article: outright ‘inaccuracy’. There was no incorrect date, misspelling, or some mix-up of standard units of measurement. Any inaccuracy, in this technical sense, arises only out of the use of tense in the Headline. I shall deal with this aspect of Clause 1.1 (“the Headline Complaint”) separately below.
17. As to the third form of error, the test for ‘distortion’ is very high: it requires me to find that the selection and presentation of correct factual material is so far-removed from the reality of the situation that no reasonable editor could publish it in good faith. ‘Distortion’ is effectively a perversity test, which must have due regard to the wide ambit for editorial discretion: this is essential if I am to avoid substituting the Editor’s judgment for my own.

³ Wessendorff Adjudication, 31 October 2017 at [8], [14]-[15]:
https://ft1105aboutft-live-14d4b9c72ce6450cb685-1b1cc38.aldryn-media.io/filer_public/c9/71/c971ea46-1c8d-47f4-940c-8132b412c7fe/wessendorff_adjudication.pdf

18. The nub of this complaint is that the individual facts in the Article were accurately stated, but by omission of the date of Mr Chandler's application (August 2015), a 'misleading' impression was created in the minds of FT readers that the application was made in response to (or a hedge against) Brexit when in fact all now accept that it was not so. As I explained in construing Clause 1.1, just as a 'correction' is appropriate when an article is 'inaccurate', the remedy where an article is 'misleading' is a 'clarification'.
19. Further, if in fact readers would infer the application *was* made in response to the Brexit referendum would, it is said this would lead to the further inference of personal hypocrisy. This impression is said to be heightened by the linking in the Article of Mr Chandler's acquisition of EU citizenship with the fact that the philanthropic arm of his Legatum Group investment firm, the Legatum Foundation, is the major funder of the Legatum Institute.
20. The Legatum Institute is a charitable organisation and think-tank which is widely perceived as being bullish on Britain's prospects upon leaving the EU. Its report "*Road to Brexit*", co-published with the Centre for Social Justice think-tank in October 2016, was an early and high-profile articulation of a more radical, right-wing and/or libertarian view of Brexit, featuring articles by Conservative MPs John Redwood, Peter Lilley, Iain Duncan Smith, Bernard Jenkin and Sir William Cash.
21. This has led to the general impression (upon which I have no reason to adjudicate) that the Legatum Institute is itself in favour of a 'Hard Brexit' (which it denies: it says that it simply wants a "good Brexit"), and certainly that is a prevailing view in the pages of the *Financial Times*: see "*Legatum: the think-tank at the intellectual heart of 'hard' Brexit*" published on 4 December 2017. I do not have to decide whether that view is fair or not.
22. Some go further and seek to attribute those 'pro-Hard Brexit' views directly to Mr Chandler and the 40-or-so unnamed donors who fund the Legatum Foundation. I make no such assumption. I have no information on Mr Chandler's personal political views, nor have I sought any, as that is not necessary to resolve this complaint.

Hypocrisy

23. Keystone Law complain that there is an implicit allegation of hypocrisy: for example, were an application to have been made by a British pro-Brexit individual after, and in response to, the Referendum vote (i.e. to circumvent for oneself the consequences of a political outcome for which one had advocated) I agree this would be seen as inconsistent at-best.

24. Of course, the hypocrisy in any purported circumvention of loss of EU citizenship would not and could not apply to Mr Chandler. This is not only because of the true sequence of events, but because he is not (and was not) a UK citizen to begin with, as Keystone Law identify in their letter of 1 March 2018. A specific accusation of hypocrisy as set out above would make no sense on these facts, because Mr Chandler is not recovering something he stands to lose: he is gaining something for the first time independently of the time (or fact) of Brexit. This key fact – that prior to Maltese naturalisation he was a New Zealander by birth – appears in the opening words of the Article (and also in the Trailer).
25. I had wondered whether the references to him being “*New Zealand-born*” might have been capable of being read (incorrectly) as that he was ‘British albeit born in New Zealand’ before becoming Maltese, but that would also be directly contradicted by the Article which makes clear in the same paragraph that he has “*obtained*” EU citizenship via Malta (i.e. that he does not already have it independently of that naturalisation).
26. Of course, there could be a subsidiary, implicit suggestion of hypocrisy in that, were a person vehemently pro-Brexit (or more precisely anti-EU) it might be seen as hypocritical to seek EU citizenship at all. It would be to invert that most-childish of political barbs (“*If you like it so much why don’t you go live there?*”): “*if you hate it so much, why would you become a citizen of it?*”. But for this subsidiary, non-specific form of hypocrisy allegation, it wouldn’t matter at all whether an application for EU citizenship was made before or after Brexit, or indeed whether it was made by someone seeking to preserve existing rights of citizenship or to acquire new ones.
27. In that sense, there are two potential characterisations of the charge of hypocrisy which could be said to have been levelled at Mr Chandler in the Article:
- a. The specific form – that an application to Malta was made in response to Brexit so as to avoid prospective loss of EU citizenship rights – is clearly wrong on two factual counts (date of application and existing citizenship), only one of which was included in the Article, with the second being made only by the Clarification;
 - b. The non-specific form – that someone who is publicly pro-Brexit should nonetheless wish to enjoy personally the benefits of EU citizenship - rests on neither of those factual counts. A person could be an American or Chinese supporter of Brexit and yet be subject to criticism for the apparent inconsistency of ever (even before, or without, the referendum happening) seeking a benefit which

they are prepared to see denied to, indeed removed from, existing EU citizens who are British. I do not say this applies to Mr Chandler – I have no insight into his personal views – I hope only to explain that this latter form of ‘hypocrisy’ is not *intrinsically* related to the *timing* of any application, but rather to its substance.

28. The specific form of hypocrisy should not have been inferred by a careful reader in any event: the references to Mr Chandler being from New Zealand (not the UK) should have precluded that. However, there would still be room – given the omission of the date of his application – for less-attentive readers of the FT (if there are any) to be misled about the fact of the application being made in response to the Referendum (when it was not).
29. Even post-Clarification, there is certainly room for the Article to be read as suggesting that Mr Chandler is accused of the non-specific form of hypocrisy, although I would take some convincing that this was truly the natural and ordinary meaning. But that complaint is not before me. My role on this complaint is to ask if readers were misled by factual statements actually published, not as to which subjective opinions they might have then formed subsequently (unless the invited inference is so direct as to be a necessary imputation, or alternatively is so far removed from reality that it could not be published in good faith by any reasonable editor, and falls outside the wide ambit of discretion: i.e. a ‘distortion’).

Misleading: Clause 1.2

30. Absent the Clarification, I agree with Keystone Law that the objective and reasonable reader of the FT of the original article would more likely have inferred that the application was made in the immediate aftermath of the Brexit Referendum result, and granted within 6 months (i.e. before the end of 2016). The link between Mr Chandler’s Maltese citizenship application and the Legatum Institute interventions post-Brexit underpins the Article, and the inference is easy to draw that the two are somehow linked. I can see that the use of the present tense in the Headline perhaps also supports this view, but I do not see it as entirely necessary to my conclusion: the real key to the inference that the application followed from the Brexit referendum result is the *omission* of the date of the application.
31. As such, if many readers would have assumed the application followed from and was in response to Brexit, I can imagine that some of those readers may have drawn the further inference of *specific* hypocrisy based on their having been misled as to the sequence of events, even though the Article gives his prior nationality as not being British (and so the *specific* hypocrisy fails on the published facts). They would, of course, be mistaken.

32. To that end, to avoid readers being misled as to the fact of the sequence of events, the Clarification was well-made, and (in my view) necessary to avoid a breach of Clause 1.2. It changed (albeit subtly) a subsidiary meaning of the Article and removes any factual implication that the application was a *response to* Brexit when it was not. I consider this probably would have been sufficiently significant that, had the FT refused to make that clarification, there would have been a breach of Clause 1.2. The only question on Clause 1.2 is therefore whether the Clarification was sufficiently prominent and made promptly.
33. I am aware that veterans of the press regulation wars over the last few years include in their numbers a faction for whom only the strictest congruence - a like-for-like correction - is acceptable. Their doctrine is that if an error appears on the front page, then the correction must grace the front page, as large as the original story, in the same typeface.
34. I do not agree with that view: corrections and clarifications I have directed in the print edition have always been on the Letters Page, which I have been told by editors is the second most-read page. It is also where my contact details appear, and is where I consider most readers would look for a correction. I am satisfied, in spite of the front page Trailer, that the Clarification on the Letters Page and appended to the online article, is adequate in terms of due prominence. It was made within a week of complaint: that is 'promptly'.
35. Therefore, because of the swift publication of the Clarification, I am satisfied that the FT is not in breach of Clause 1.2 of the Code in respect of the Article.

Misleading: Clause 1.1

36. However, I must also consider whether the error (the omission of the date of application as being August 2015, thus causing the objective and reasonable reader to be misled) was so egregious as to constitute a breach of Clause 1.1 (a 'failure to take care').
37. Clause 1.1 is a negligence-standard which will not be satisfied by the mere presence of an inaccuracy. I opined in the *Portes Adjudication* (footnote 2 above) at [51]-[52] that it will be much more difficult for desk editors to spot information which is 'misleading' as opposed to that which is 'inaccurate', because it is easier to identify information which is wrong on its face as opposed to being wrong because it causes inferences which are not correct. This is such a case, where also – like the dog that didn't bark – the information which is necessary to avoid the incorrect inference as to sequence of events is information which is *omitted* (not incorrect information which has been wrongfully included).

38. Had the FT known that Mr Chandler’s application was made prior to the Brexit referendum result, but omitted that from the Article, I would have found a breach of Clause 1.1 without hesitation. The omission of available facts would constitute a conscious editorial decision about which I would take a much more stringent view, even though the difference in ultimate meaning is subtle (whether the Article might allege specific hypocrisy as well as or instead of non-specific hypocrisy). But Nigel Hanson’s letter of 6 March 2018 makes clear that the date was not known to the FT at time of publication.
39. There was an approach made for a right of reply before publication that said “*As a principal funder of Legatum Institute Foundation whose stance is decidedly pro-Brexit, Mr Chandler’s naturalisation is of note*”. Keystone Law complain that the pre-publication emails did not raise the link between Maltese citizenship and Legatum’s interventions on Brexit (and thus the hypocrisy) “*with anything like sufficient clarity*”. I disagree. Ms O’Murchu had sought comment from Colin Webb, the Digital Director of Legatum Foundation, asking Mr Chandler’s reasons for seeking Maltese and thus EU citizenship. Mr Webb did respond, and his comments were reflected in the Article, but he did not convey (and may not have known) the fact that the application pre-dated the referendum.
40. Given the efforts to seek comment, the non-availability of the date of application until it was provided by way of the complaint a month later, and that I consider the effect of the omission is not as great as is alleged given the distinction I have drawn above between specific and non-specific hypocrisy, I do not think there has been a failure of the duty to take care. It would perhaps have been better to have known the date of application before publishing, but given that specific hypocrisy was technically precluded by the reference to existing nationality and non-specific hypocrisy remains anyway, it would have taken an unusually astute desk editor to spot the risk, and an unusually cautious one to decline to publish until the application date was known, where comment had been sought & received.
41. I therefore decline to find any breach of Clause 1.1 of the Code in respect of the omission of the date of the application, taking the Article as a whole.

The Headline Complaint

42. Most of the dispute about the Headline in correspondence has been about the effect that its being framed in the present tense has on a proper understanding of the Article. Keystone Law contended that it reinforced the idea in the minds of readers that the grant of citizenship was a very recent matter, and so therefore probably in response to Brexit.

43. Nigel Hanson for his part repeatedly insisted that the rule in *Charleston* meant that the Article and Headline had to be read together, and the express references to a grant of citizenship in 2016 confirmed that the grant was not itself recent. Readers would understand that headlines (which are always about past events, even if continuing events) are often framed in the present tense (they are considered more active and engaging, whereas past tense headlines can be somewhat staid). The Article therefore did not mislead on the date of application – it was merely silent upon that issue.
44. That dispute is perhaps somewhat arid given my decision above. I accept without hesitation Nigel Hanson’s submission that the rule in *Charleston* applies to the meaning of the Article, but I have also decided (contrary to Mr Hanson’s view, and irrespective of the Headline tense) that the silence on the date of application would probably have misled readers as to the sequence of events, but that that error was cured by the Clarification.
45. However, Clause 1.1 separately prohibits a “*headlines not supported by the text*” of the article to which it relates. Keystone Law correctly identify that this obligation was specifically inserted into the IPSO Code by the Editors’ Code Committee meeting on 22 September 2015 (becoming effective as of 1 January 2016).
46. The inference I draw from the addition of this specific species of inaccuracy to Clause 1.1 is that it was designed to prevent **abuse** of the rule in *Charleston*, where newspapers would deliberately allow headline and article to stray apart, putting all the bane in the headline and all the antidote buried in the text.
47. It that sense it is no answer to say, as the FT does, that the rule in *Charleston* applies to accuracy complaints under Clause 1. I agree entirely that the rule does generally apply, but there is a *separate test* in Clause 1.1 as to whether the headline is supported by the text which operates outside of the rule (because the test for whether or not it has been breached positively requires separating the headline from the text to compare them).
48. However, I also bear in mind that a headline (if it is to do any work at all) is a very different animal to an article, and a significant degree of allowance must be given to attempts to summarise hundreds of words into a single, pithy phrase that will give readers the true gist of the story it is hoped that they will read, and yet also entice and engage them.

49. I must compare the Headline to the Article in both its pre-Clarification and post-Clarification form. Both versions of the Article indicated that the grant of citizenship was made in 2016, although only the latter included the detail that the application was made in August 2015. I'm not sure the Clarification matters: the verb 'grants' relates to the time the application was accepted and acted upon (2016), not to the time it was made (2015). The question in both cases is the same: whether putting the headline in the present tense (January 2018) is 'not supported by the text' which says the grant was made in 2016?
50. The first Ruling by IPSO on its new Clause 1.1 was in the notorious case of the front-page headline in *The Sun* on 9 March 2016: "*Queen Backs Brexit*". Buckingham Palace complained to IPSO on behalf of Her Majesty, on the basis that her reported (and unconfirmed) comments of a Eurosceptic nature at both a Privy Council lunch in 2011 at Windsor Castle, and then at a Buckingham Palace reception (also some years ago), were being reported by *The Sun* as Her Majesty supporting the referendum campaign for the UK to leave the EU which took place in 2016.
51. IPSO held⁴ that *The Sun* was in breach of Clause 1.1 in respect of the headline, but not the underlying article. Even assuming the comments had been made, there was a distinction between expressing apparently Eurosceptic views and supporting Brexit in the heat of a referendum campaign in which the reigning Monarch, by constitutional convention, would not express any political view at all. IPSO said "*The headline contained a serious and unsupported allegation that The Queen had fundamentally breached her constitutional obligations in the context of a vitally important national debate*", and thus was in breach.
52. Although I had hoped to the contrary, the question of the temporal truth of the headline does not really feature in IPSO's Ruling. The focus was on the weakness of the conjecture (that past Eurosceptic comments could be relied upon to infer support for the Leave campaign) and there is no specific discussion of headline conventions and the propensity of headlines to cast matters which have already happened in the present tense. Nor is tense directly in issue in the other handful of IPSO Rulings on this aspect of Clause 1.1.
53. In his letter of 6 March 2018, Nigel Hanson wrote: "*We do not accept that the use of the present tense in the headline is misleading. Present-tense verbs are commonly used in headlines to flag to readers in an active and engaging way the general subject matters of a news report*".

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<https://www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=01584-16>

54. This does not wash with Mr Coad of Keystone Law, who retorts that: “*This purported justificaition is in truth a euphemism for the use by your title and other newspapers of the present tense in headlines to mislead readers into thinking that they are being informed of information which is current in its nature, rather than historic*”.
55. Grammar obsessives, of which the United Kingdom has no immediate shortage, have been known to rally to their battle lines over the use of the ‘historic present’ (sometimes called the ‘narrative present’ or the ‘dramatic present’). It is used to striking effect by Hilary Mantel in *Wolf Hall* and *Bring Up The Bodies*; it was deprecated by broadcaster John Humphreys in an outburst in 2014. It is of long vintage: the Venerable Bede’s *Historia Ecclesiastica Gentis Anglorum* employed it in Latin in around 731 AD⁵, and in English is often associated with Chaucer⁶. It is a very widely-used narrative device.
56. There is some interesting academic research and commentary on the use of the present tense in English language newspaper headlines, most particularly by Jan Chovanec, Associate Professor in English Linguistics in the Department of English and American Studies at Masaryk University in Brno, Czech Republic. I have sadly not yet had the opportunity to read his book “*Pragmatics of Tense and Time in News: From canonical headlines to online news texts*” (2014, John Benjamins), Part II of which is on headlines.
57. However, his 2003 article “*The Uses of the Present Tense in Headlines*”⁷ is most illuminating as to the role of tense in English newspaper headlines. It included a survey of 242 headlines taken from the website of the *Daily Telegraph*, of which 144 had a finite verb in the main clause. Of these 144, some 77.8% made exclusive or predominant use of the present tense, compared to 11.1% past tense, and 8.3% future tense. If the sample was representative, then almost half of all headlines (46.2% of the 242) are in the present tense.

⁵ J.M. Steadman Jr (Jan. 1917) “*The Origin of the Historical Present in English*”, *Studies in Philology*, Vol 14, No 1 (University of North Carolina Press) pp.1-46, p.12: <https://www.jstor.org/stable/4171697>

⁶ Monika Fludernik (1992), “*The Historical Present Tense in English Literature*”, *Language and Literature*, 17 (1992), pp. 77-107; <https://freidok.uni-freiburg.de/dnb/download/5343>

⁷ *Theory & Practice in English Studies*, 2003, Vol. 1., 83-92. Also available to read online at the URL: http://www.phil.muni.cz/angl/thepes/thepes_01_09.pdf

58. The prevalence of the simple present tense makes sense for a number of reasons in an industry that is entirely concerned in producing a narrative. The immediacy, and the bond with the reader thereby created, no doubt play a role. The simplicity of the present tense eases skim-reading of headlines. I wonder if the convenience of shorter verbs as a facet of ‘Headlines’⁸ also has its roots in contraction: headlines avoid use of the in/direct article, and present tense verbs ending ‘s’ are a character shorter than past tense verbs ending ‘ed’.
59. Whatever the reason, I am relatively satisfied that readers know and understand the common conventions of headlines, including that the use of the present tense is not a reliable indicator (if an indicator at all) of something actually happening in the present or the very recent past. I think there is an implicit understanding, if not a conscious recognition, that the present tense is often *rhetorical* rather than giving any warranty as to the timing of events. I strongly doubt that any reader having read the present tense headline, then reading that the grant was made a year earlier (but had only been recently published) would have felt misled.
60. Notwithstanding that I agree with Keystone Law about the approach to be taken in respect of the Headline Complaint, and the limitations of the rule in *Charleston* to complaints under this particular facet of Clause 1.1, I do not consider that there has been a breach in this case. I am satisfied that the use of the (historic) present tense is an omnipresent feature of headline writing, and is a convention which FT readers recognise and treat accordingly. I would not go so far as to say that the use of the present tense in a headline could *never* amount to an inaccuracy where past events were described, but I consider that the present tense as a headlines convention is sufficiently distinct as to be an exception to the general rule about headlines and articles needing to agree.

CONCLUSION

61. Accordingly, I dismiss this appeal and find no breach of Clause 1 of the IPSO Code as incorporated into the FT Editorial Code of Practice.

GREG CALLUS
Editorial Complaints Commissioner
Financial Times
28 April 201

⁸ <https://en.wikipedia.org/wiki/Headlines>