

Before the Arbiter for Financial Services

Case ASF 228/2025

AB

(‘the Complainant’)

Passport No. U7253902

Vs

OpenPayd Financial Services Malta Limited

Reg. No. C 75580

(‘Service Provider’ or ‘OpenPayd’)

Sitting of 6 March 2026

The Arbiter,

Makes reference to his decision of 1 December 2025¹ whereby he had overruled the preliminary plea raised by the Service Provider in their reply², claiming that the Arbiter has no competence to hear this Complaint as the Complainant was not an ‘eligible customer’ as defined in Article 2 of the ACT.

The Arbiter refers to his decision in this regard in case ASF 155/2024³. This decision was, at the time of his decision above referred to, under appeal in terms of Article 27 of the ACT.

Based on his decision to overrule the preliminary plea, the Arbiter proceeded to hear the merits of the case.

¹ P. 30

² P. 25 - 28

³ <https://financialarbiter.org.mt/sites/default/files/oafs/decisions/2097/ASF%20155-2024%20-%20PU%20vs%20OpenPayd%20Financial%20Services%20Limited.pdf>

The Court of Appeal on 25 February 2026 has revoked the Arbiter's decision of ASF 155/2024 and affirmed that the Complainant in that case was not an eligible customer in terms of Article 2 of the ACT and consequently the Arbiter's decision on merits was cancelled.⁴

As the circumstances of this case, insofar as the preliminary plea is concerned, are intrinsically similar to that applicable for ASF 155/2024, and in view of the above-cited decision of the Court of Appeal, the Arbiter decrees that he has no competence to hear the case and hereby upholds the preliminary plea raised by the Service Provider in their reply. Consequently, the Arbiter is suspending all submissions on the merits of the case.

The Arbiter is accordingly deciding that in terms of Article 11(1)(a) and Article 19(1) of the ACT, he has no competence to hear and adjudicate this case and is closing the proceedings.

Decision

The complaint is hereby dismissed, and each party is to bear its own costs of these proceedings.

This is without prejudice to any right the Complainant may have to take her complaint to a court or tribunal competent to adjudicate it.

Alfred Mifsud
Arbiter for Financial Services

⁴ <https://ecourts.gov.mt/online-services/Judgements/Details?JudgementId=0&CaseJudgementId=159164>

Information Note related to the Arbiter's decision

Right of Appeal

The Arbiter's Decision is legally binding on the parties, subject only to the right of an appeal regulated by article 27 of the Arbiter for Financial Services Act (Cap. 555) ('the Act') to the Court of Appeal (Inferior Jurisdiction), not later than twenty (20) days from the date of notification of the Decision or, in the event of a request for clarification or correction of the Decision requested in terms of article 26(4) of the Act, from the date of notification of such interpretation or clarification or correction as provided for under article 27(3) of the Act.

Any requests for clarification of the award or requests to correct any errors in computation or clerical or typographical or similar errors requested in terms of article 26(4) of the Act, are to be filed with the Arbiter, with a copy to the other party, within fifteen (15) days from notification of the Decision in terms of the said article.

In accordance with established practice, the Arbiter's Decision will be uploaded on the OAFS website. Personal details of the Complainant(s) will be anonymised in terms of article 11(1)(f) of the Act.