

**Statistics  
South Africa**

STATISTICAL SERVICE  
0001 PRETORIA PRIVATE BAG X 44

**Statistical release  
P0041**

Dipalopalo tsa Aforika Borwa • Statistieke Suid-Afrika • Tistatistiki ta Afrika-Dzonga • Ukuqokelelwa kwamanani eNingizimu Afrika

# Statistics of civil cases for debt

April 1999

Co-operation between Statistics South Africa, the citizens of the country, the private sector and government institutions is essential for a successful statistical system. Without continued co-operation and goodwill, the timely release of relevant and reliable official statistics will not be possible.

**Embargo: 11:00  
Date: 24 June 1999**

Stats SA publishes approximately three hundred different releases each year. It is not economically viable to produce them in more than one of South Africa's eleven official languages. Since the releases are used extensively, not only locally, but also by international economic and social-scientific communities, Stats SA releases are published in English only.

---

Private Bag X44 • 0001 Pretoria • South Africa • Steyn's Building • Steyn's Arcade • 274 Schoeman Street • Pretoria  
Users enquiries Tel: +27(12) 310 8600 • Fax: +27(12) 310 8500  
E-mail address: info@statssa.pwv.gov.za • Website: <http://www.statssa.gov.za>



Published by  
Statistics South Africa  
Private Bag X44  
Pretoria  
0001

© Copyright, 1999

Users may apply or process this data, provided Statistics South Africa is acknowledged as the original source of the data; that it is specified that the application and/or analysis is the result of the user's independent processing of the data; and that neither the basic data nor any reprocessed version or application thereof may be sold or offered for sale in any form whatsoever without prior permission from Stats SA.

## CONTENTS

<b>KEY FINDINGS</b>	1
<b>GRAPHS</b>	
Number of civil summonses issued and number of civil judgements for debt	1
<b>EXPLANATORY NOTES</b>	2
<b>TABLES</b>	
Table 1 - Number of civil cases recorded and summonses for debt issued	3
Table 2 - Number of civil cases recorded in selected magistrates offices	4
Table 3 - Civil default and consent judgement for debt	5
Table 4 - Small claims courts, litigants referred, summonses issued and hearings	6
<b>NOTES REGARDING SMALL CLAIMS COURTS</b>	6

A complete set of Stats SA publications is available in the Stats SA Library, and in the following public libraries:

State Library, Pretoria  
South African Library, Cape Town  
Natal Society Library, Pietermaritzburg  
Library of Parliament, Cape Town  
Bloemfontein Public Library  
Johannesburg Public Library

Private Bag X44 • 0001 Pretoria • South Africa • Steyn's Building • Steyn's Arcade • 274 Schoeman Street • Pretoria

Users enquiries Tel: +27(12) 310 8600 • Fax: +27(12) 310 8500

E-mail address: [info@statssa.pwv.gov.za](mailto:info@statssa.pwv.gov.za) • Website: <http://www.statssa.gov.za>

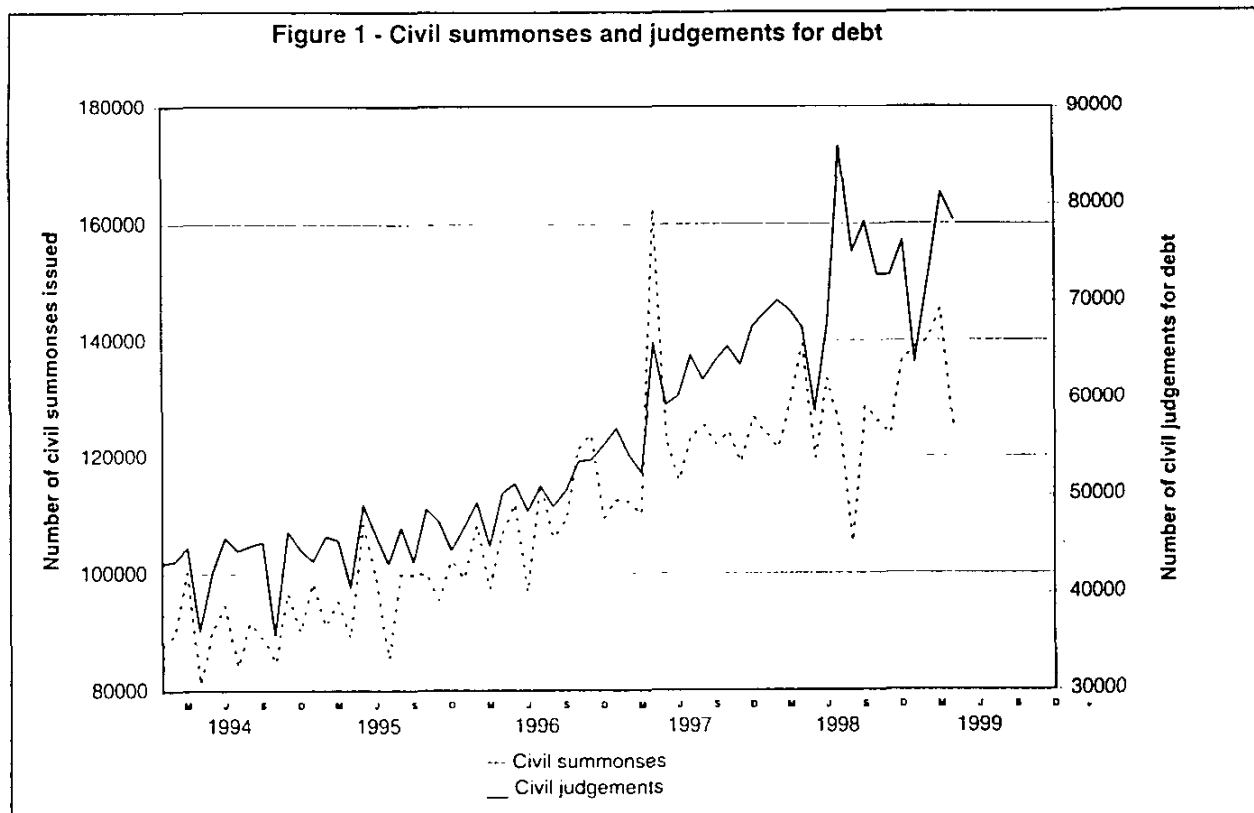


## CIVIL DEBT CASES CONTINUE TO INCREASE

*The total number of civil summonses for debt recorded for the three months up to April 1999 reflects an increase of 5,3% (from 385 910 to 406 499) compared with the corresponding period of a year ago and, after seasonal adjustment, is 2,6% higher than the preceding three months. The total number of civil judgements for debt recorded for the three months up to April 1999 increased by 12,0% (from 200 162 to 224 261) compared with the corresponding period of a year ago and, after seasonal adjustment, is 8,9% higher than the preceding three months.*

The increase of 5,3% in civil summonses for debt can mainly be attributed to a greater number of civil summonses issued in respect of goods sold on open account (+6,1%) and money lent (+29,2%). During April 1999, 28 468 or 23,4% of the total summonses issued were for civil summonses relating to "other services" while 24 534 or 20,2% were in respect of money lent.

During April 1999, 74 059 civil judgements for debt were issued amounting to R604,4 million. The major contributors to the R604,4 million were civil judgements relating to money lent (R267,2 million) and goods sold on open account (R49,0 million).



pp  
 Dr F M Orkin  
 Head: Statistics South Africa

Period	Number		Percentage change	
	Summonses for debt	Civil judgements for debt	Summonses for debt	Civil judgements for debt
<b>Actual figures:</b>				
Feb. 1999 - Apr. 1999	406 499	224 261	+5,3	+12,0
Feb. 1998 - Apr. 1998	385 910	200 162		
<b>Seasonally adjusted figures:</b>				
Feb. 1999 - Apr. 1999	409 720	231 792	+2,6	+8,9
Nov. 1998 - Jan. 1999	399 414	212 842		

## EXPLANATORY NOTES

### 1. General

The particulars in this publication refer to all civil cases for debt recorded by Magistrates' Offices.

Except for cases recorded, all other information relates to debt cases only, i.e. claims for damages, ejection orders and other non-debt cases are excluded.

Default and consent judgements relate to judgements given in respect of undefended debt cases only.

### 2. Comparability

The jurisdiction limit for civil cases handled by Magistrates' Offices (R20 000 for liquid assets and R50 000 for non-liquid assets) was increased to R100 000 as from 1 May 1995. A comparison with the period prior to May 1995 must thus be handled with circumspection.

### 3. Small claims courts

Statistics in respect of small claims courts are updated annually.

TABLE 1 - NUMBER OF CIVIL CASES RECORDED AND SUMMONSES FOR DEBT ISSUED

Item	Business enterprises and private persons				Private persons			
	1999		1998		1999		1998	
	Apr.	Mar.	Apr.	Mar.	Apr.	Mar.	Apr.	Mar.
	Number							
1. Cases recorded								
1.1 Actual figures	1 619 083	132 591	164 593	141 059	1 473 808	119 679	149 424	127 797
1.2 Seasonally adjusted		136 499	158 322	146 535		122 714	141 131	132 059
2. Civil summonses for debt								
2.1 Total								
2.1.1 Actual figures	1 508 999	121 510	149 160	134 926	1 375 287	111 753	137 144	122 701
2.1.2 Seasonally adjusted		124 282	145 282	139 319		114 077	131 060	126 289
2.2 Goods sold								
2.2.1 Open account	234 857	19 913	26 522	19 734	206 154	17 898	23 338	16 826
2.2.2 Instalment sale transactions	36 053	2 800	3 614	2 870	31 639	2 523	3 144	2 482
2.3 Services								
2.3.1 Professional	175 855	14 553	15 859	15 163	163 941	13 773	14 783	13 952
2.3.2 Other	424 975	28 468	36 535	47 824	394 185	26 345	34 195	44 829
2.4 Rent	63 796	4 892	5 991	5 496	50 891	4 011	4 863	4 497
2.5 Money lent	261 162	24 534	28 663	19 984	244 867	23 185	27 177	18 802
2.6 R/D cheques, credit cards and other acknowledgements of debt	107 581	8 837	11 462	8 499	96 912	8 158	10 607	7 629
2.7 Other	204 720	17 513	20 514	15 356	186 698	15 860	19 037	13 684

TABLE 2 - THE NUMBER OF CIVIL CASES RECORDED IN SELECTED MAGISTRATES OFFICES

Year or month	Cape Peninsula	Port Elizabeth	East-London	Kimberley	Pietermaritzburg	Durban	Johannesburg	East Rand	West Rand	Pretoria	Vereeniging and Vanderbijlpark	Bloemfontein
1997	180 497	135 070	19 317	7 862	32 125	104 135	171 300	97 837	36 152	115 062	48 943	19 908
1998	181 024	143 677	27 688	7 915	29 362	110 846	135 470	86 872	47 613	113 826	40 305	22 209
1998 - J	10 414	7 305	1 749	498	2 946	6 800	11 125	5 585	3 006	8 772	2 271	2 725
F	15 957	7 851	2 117	493	2 073	8 450	10 956	7 383	3 503	8 881	3 374	1 683
M	17 248	10 074	2 290	697	2 663	10 504	11 170	8 489	3 555	10 521	3 190	2 007
A	15 936	14 132	1 880	653	2 250	9 613	18 788	8 841	3 433	9 124	3 085	2 258
M	15 160	13 035	1 946	744	2 270	11 174	10 114	8 444	5 541	9 099	2 373	1 803
J	17 145	15 984	2 879	803	2 275	11 287	13 118	7 541	4 044	10 326	7 294	1 556
J	20 355	10 790	3 176	840	2 820	11 312	10 123	6 306	6 746	11 257	2 728	1 708
A	12 514	10 694	2 844	563	2 314	9 546	9 833	4 922	4 028	8 009	2 549	1 189
S	14 367	16 388	2 078	643	2 152	11 218	10 860	7 912	3 681	8 883	2 726	644
O	13 306	18 454	2 613	711	2 670	7 752	13 161	7 093	3 555	9 357	2 497	1 880
N	15 558	9 787	2 078	664	2 940	7 353	7 718	8 045	4 060	11 538	3 298	2 209
D	13 064	9 183	2 038	606	1 989	5 837	8 504	6 311	2 461	8 059	4 920	2 547
1999 - J	12 520	14 821	4 475	774	2 372	7 524	6 389	5 737	2 312	8 543	4 197	1 338
F	16 758	7 212	1 889	1 266	2 840	9 869	20 995	6 772	4 753	10 529	5 099	2 566
M	17 963	7 700	5 594	1 470	2 791	13 314	13 003	7 606	3 608	14 386	4 282	3 298
A	14 598	11 130	3 018	870	2 692	9 251	9 928	7 216	2 713	8 187	3 516	2 160

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

Item	Business enterprises and private persons				Private persons			
	1999		1998		1999		1998	
	Apr.	Mar.	Apr.	Mar.	Apr.	Mar.	Apr.	Mar.
	Number							
1. Judgements								
1.1 Total	864 554	74 059	83 258	63 685	812 495	69 668	78 188	58 147
1.1.1 Actual figures		78 303	81 160	67 352		75 008	77 377	62 614
1.1.2 Seasonally adjusted								
1.2 Goods sold	133 896	12 526	14 223	11 122	120 892	11 448	13 054	9 909
1.2.1 Open account	16 170	1 572	1 687	2 285	14 675	1 438	1 586	1 771
1.2.2 Instalment sale transactions								
1.3 Services	97 052	7 920	8 941	7 297	94 501	7 561	8 657	7 061
1.3.1 Professional	199 715	14 214	14 391	12 092	187 261	13 277	13 507	10 813
1.3.2 Other								
1.4 Rent	32 484	2 564	3 759	2 988	24 858	1 984	2 633	1 890
1.5 Money lent	185 153	19 522	20 766	13 536	182 020	19 213	20 481	13 304
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	65 086	4 949	5 959	4 273	60 786	4 479	5 567	3 909
1.7 Other	134 998	10 792	13 532	10 092	127 502	10 268	12 703	9 490
	R1 000							
1. Judgements								
1.1 Total	6 388 098	604 364	725 566	458 503	5 475 146	533 793	623 303	397 943
1.2 Goods sold	547 637	49 038	84 471	44 237	366 703	35 050	67 454	30 758
1.2.1 Open account	322 633	30 967	44 660	32 756	281 936	28 142	36 330	30 160
1.2.2 Instalment sale transactions								
1.3 Services	169 718	15 379	18 322	13 433	151 378	13 669	16 845	12 400
1.3.1 Professional	494 851	48 218	36 253	34 520	418 555	41 548	29 987	27 789
1.3.2 Other								
1.4 Rent	224 191	19 610	24 602	16 749	165 551	14 772	17 250	12 462
1.5 Money lent	2 413 180	267 181	308 395	183 361	2 255 045	252 325	288 280	173 861
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	638 841	46 195	47 069	50 845	553 328	40 200	41 555	45 188
1.7 Other	1 577 047	127 776	161 794	82 602	1 282 650	108 087	125 602	65 325

## NOTES REGARDING SMALL CLAIMS COURTS

### 1. General

Small claims courts serve as a forum for the adjudication of money claims against *individuals or firms*. It is for use by the general public only and not for business enterprises.

Up to 30 September 1995 the following actions were excluded from the jurisdiction of small claims courts:

- claims exceeding R2 000 in value;
- claims against the state;
- claims based on cession or the transfer of rights;
- claims for damages in respect of defamation, malicious prosecution, wrongful imprisonment, wrongful arrest, seduction and breach of promise to marry;
- claims for the dissolution of a marriage;
- claims concerning the validity of a will;
- claims concerning the status of a person in respect of his mental capacity; and
- claims in which the performance in accordance with a contract is sought, without an alternative claim for payment of damages, except in the case of a claim for rendering an account or transferring movable or immovable property not exceeding R2 000 in value.

As from 1 October 1995 the jurisdiction limit of R2 000 was raised to R3 000.

### 2. Comparability

The information in respect of magistrates' courts shown in this statistical release refers to debt cases only and is therefore not strictly comparable with the information shown for the small claims courts.

### 3. Concepts

- "Courts" relate to the total number of small claims courts at the end of the months as indicated.
- "Litigants referred" relates to the number of persons (plaintiffs) referred to legal assistants by clerks of the small claims court.

**TABLE 4 - NUMBER OF SMALL CLAIMS COURTS, LITIGANTS REFERRED, SUMMONSES ISSUED AND HEARINGS**

Year	Small claims courts	Litigants referred	Summonses issued	Hearings
1990	92	16 474	16 551	15 540
1991	103	16 857	19 520	17 814
1992	106	18 906	24 942	23 421
1993	109	19 502	24 929	23 953
1994	111	20 101	25 112	25 356
1995	113	20 154	24 905	25 746
1996	120	21 230	27 463	27 690
1997	143	13 423	25 417	26 622

Source: Department of Justice