

# Statistics of civil cases for debt

April 2001

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**Key figures for the month ended April 2001**

**Actual estimates**

	<b>April 2001</b>	<b>% change between April 2000 and April 2001</b>	<b>% change between February 2000 to April 2000 and February 2001 to April 2001</b>	<b>% change between January 2000 to April 2000 and January 2001 to April 2001</b>
Number of civil summonses issued for debt	126 764	+21,6	+5,5	+4,7
Number of civil judgements recorded for debt	71 100	+8,6	-2,1	+2,2
Value of civil judgements recorded for debt (R million)	571,5	+7,2	+31,1	+34,3

**Seasonally adjusted estimates**

	<b>April 2001</b>	<b>% change between March 2001 and April 2001</b>	<b>% change between November 2000 to January 2001 and February 2001 to April 2001</b>
Number of civil summonses issued for debt	132 000	-2,5	+0,2
Number of civil judgements recorded for debt	77 440	-1,1	-0,3
Value of civil judgements recorded for debt (R million)	605,0	-26,6	+12,8

## **Key findings for the month ended April 2001**

### **The total number of civil summonses issued for debt increases**

*The total number of civil summonses issued for debt for the three months ended April 2001, after seasonal adjustment, increased by 0,2% compared with the previous three months. Furthermore, the total number of civil summonses issued for debt for the three months ended April 2001 increased by 5,5% compared with the three months ended April 2000. The total number of civil summonses issued for debt for the first four months of 2001 increased by 4,7% compared with the first four months of 2000.*

The major contributors to the increase of 5,5% in civil summonses issued for debt for the three months ended April 2001 compared with the three months ended April 2000 were civil summonses issued in respect of money lent (+3,7 percentage points) and promissory notes (+2,0 percentage points).

2

### **The total number of civil judgements recorded for debt lower than a year ago**

*The total number of civil judgements recorded for debt for the three months ended April 2001, after seasonal adjustment, decreased by 0,3% compared with the previous three months. Furthermore, the total number of civil judgements recorded for debt for the three months ended April 2001 decreased by 2,1% compared with the three months ended April 2000. The total number of civil judgements recorded for debt for the first four months of 2001 increased by 2,2% compared with the first four months of 2000.*

The major contributors to the decrease of 2,1% in the number of civil judgements recorded for debt for the three months ended April 2001 compared with the three months ended April 2000 were civil judgements recorded in respect of “other” services (-4,0 percentage points) and goods sold on open account (-3,2 percentage points), promissory notes (-1,7 percentage points) and professional services (-1,4 percentage points). However, these decreases were partially counteracted by increases in the number of judgements recorded for debt relating to money lent (+5,4 percentage points) and “other” debts (+2,7 percentage points).

### **The total value of civil judgements recorded for debt higher than a year ago**

*The total value of civil judgements recorded for debt for the three months ended April 2001, after seasonal adjustment, increased by 12,8% compared with the previous three months. Furthermore, the total value of civil judgements recorded for debt for the three months ended April 2001 increased by 31,1% compared with the three months ended April 2000. The total value of civil judgements recorded for debt for the first four months of 2001 increased by 34,3% compared with the first four months of 2000.*

The major contributor to the increase of 31,1% in the value of civil judgements recorded for debt for the three months ended April 2001 compared with the three months ended April 2000 was civil judgements recorded in respect of “other” debts (+30,6 percentage points).

During April 2001, 71 100 civil judgements for debt amounted to R571,5 million. The largest contributors to the R571,5 million were civil judgements relating to money lent (34,5% or R197,0 million) and “other” debts (29,1% or R166,1 million).

## Notes

### Forthcoming issues

<b>Issue</b>	<b>Expected release date</b>
May 2001	26 July 2001
June 2001	23 August 2001
July 2001	27 September 2001
August 2001	15 October 2001
September 2001	22 November 2001
October 2001	20 December 2001
November 2001	24 January 2002
December 2001	21 March 2002

### Purpose of the survey

The survey of Civil Cases for Debt covering a sample of magistrates' offices in South Africa excluding the former Transkei, Bophuthatswana, Venda and Ciskei (TBVC states). These survey collects information regarding civil cases recorded, civil summonses issued and civil judgements recorded in order to provide users with information on the extent of unpaid debt in South Africa. The results of the survey are used by the private and public sectors as an indicator of economic performance.

## Contents

<b>Editorial</b>		<b>Page</b>	
	Notes	4	
.....			
<b>Tables</b>			
Table 1	Number of civil cases recorded and summonses issued for debt according to business enterprises and private persons	6	
Table 2	.....	7	
Table 3	Number of civil cases recorded in selected magistrates' offices	8	
Table 4	Number of civil default and consent judgements for debt according to business enterprises and private persons	9	
Table 5	Value of civil default and consent judgements for debt according to business enterprises and private persons	10	
	Number of small claims courts, litigants referred, summonses issued and hearings: 1990 to 1999 ...		
<b>Additional information</b>			
	Explanatory notes	11	
	Technical notes	12	
	.....	13	
	Glossary		
	.....		
<b>For</b>	<b>more</b>	<b>information</b>	15
.....			

**Table 5 – Number of small claims courts, litigants referred, summonses issued and hearings: 1990 to 1999**

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	115	13 423	25 417	26 622
1998	121	22 546	28 622	27 672
1999	127	34 897	30 592	30 651

Source: Department of Justice

## Additional information

### Explanatory Notes

#### Introduction

- 1 Statistics South Africa (Stats SA) conducts a monthly sample survey of civil cases recorded and civil summonses for debt issued in South Africa. This information is obtained from selected magistrates' offices.
- 2 This statistical release reflects a sample of all civil cases recorded and summonses issued against business enterprises and private persons in selected magistrates' offices.
- 3 Except for cases recorded, all other information relates to debt cases only, therefore claims for damages, ejection orders and other non-debt cases are excluded.

#### Scope of the survey

- 4 This survey covers:
  - Number of civil cases recorded.
  - Number of civil summonses for debt issued.
  - Number of civil judgements for debt.
  - Value of civil judgements for debt.
- 5 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.

#### 6

The following actions are excluded from the jurisdiction of small claims courts -

- claims exceeding R3 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 R3 000 in value.

<b>Comparability</b>	<p>7 The information in respect of magistrates' courts shown in this statistical release <u>refers to debt cases</u> only and is therefore not strictly comparable with the information shown for the small claims courts.</p> <p>8 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.</p>
<b>Statistical unit</b>	<p>9 The statistical unit for collection of information is a magistrate's office. Magistrate's offices include the small claims courts.</p> <p>10 The largest magistrates offices in South Africa which account for approximately 95% of all the civil cases in South Africa are included in the monthly sample survey of civil cases recorded and civil summonses for debt issued. The smallest magistrates' offices are not used in the sample. A sample of 152 magistrates offices is drawn using only the number of civil cases recorded as the measure of size.</p>
<b>Survey methodology and design</b>	<p>6 The survey is conducted by mail each month from approximately 152 magistrates' offices.</p>
<b>Seasonal adjustment</b>	<p>12 Seasonal (variation) is a means of removing the estimated effects of normal seasonal variation from the series so that the effects of other influences on the series can be more clearly recognised. Seasonal adjustment does not aim to remove irregular or non-seasonal influences which may be present in any particular month. Influences that are volatile or unsystematic can still make it difficult to interpret the movement of the series even after adjustment for seasonal variations. This means the month-to-month movements of seasonally adjusted estimates may not be reliable indicators of trend behaviour.</p>
<b>Trend cycle</b>	<p>13 Smoothed seasonally adjusted estimates are generated using the X-11 Seasonal Adjustment Programme.</p>
<b>Publications</b>	<p>14 Users may also wish to refer to the following publications:</p> <ul style="list-style-type: none"> <li>• Bulletin of Statistics issued quarterly.</li> <li>• SA Statistics issued annually.</li> </ul>
<b>Unpublished statistics</b>	<p>15 In some cases Stats SA can also make available statistics which are not published. The statistics can be made available in one or more of the following ways: computer printout, CD or diskette. Generally a charge is made for providing unpublished statistics.</p>
<b>Symbols and abbreviations</b>	<p>16 R/D Refer to Drawer  CD Compact Disc  Stats SA Statistics South Africa  TBVC Transkei, Bophuthatswana, Venda, Ciskei.</p>
<b>Technical notes</b>	
<b>Response rates</b>	<p>The response rate for April was 89%</p>



## Glossary

<b>Acknowledgement of debt</b>	Acknowledgement of debt is a statement by a person/debtor in which he admits that he owes money to an individual or a company or a bank.
<b>Bills</b>	Bills are statements of charges for services rendered or for amounts owed.
<b>Civil judgements</b>	Civil judgements are decisions taken in a civil matter or a dispute between two people or parties.
<b>Civil summonses</b>	Civil summonses are notices to appear before the court of law where a dispute between two parties or people has to be heard, i.e. not for a criminal offence.
<b>Consent judgements</b>	Consent judgements refer to where a debtor agrees to subject himself/herself to obey or accept a judgement of a court against him for a debt he owes without defending the action. This usually happens before the debtor signs a binding contract, e.g. a loan agreement.
<b>Default judgements</b>	Default judgements refer to where the court gives a judgement or a ruling against the defendant who is not present in court and was previously given a notice that was ignored, i.e. a judgement was given against a party or an individual while not present in court.
<b>Hearings</b>	Hearings are proceedings in a court where the court listens or hears the submission or presentation in support of their cases where the two parties submitted the evidence in support of their cases.
<b>Instalment sale transactions</b>	Instalment sale transactions relates to where a person buys goods on credit and pays for them in instalments, e.g. every week or month, until he/she settles the debt.
<b>Litigants</b>	Litigants are people who take part in court proceedings, usually against each other, like a debtor and a creditor.
<b>Litigants referred</b>	Litigants referred relates to a case where the parties have been referred to another instance/court.
<b>Open account transaction</b>	Open account transactions are revolving credit, i.e. where an account does not have a final payment date and a person can always take more goods and keep paying as long as he has credit.
<b>Other services</b>	“Other services” refers to municipal services (except outstanding assessment rates), plumbers, builders, mechanics, panel-beaters and electricians.

<b>Other kinds of debt</b>	“other kinds of debts” refers to outstanding salaries and wages, outstanding medical fund debts, outstanding sponsored debts, outstanding class and tuition debt, outstanding income and sales tax, outstanding assessment rates, outstanding money in respect of television maintenance contracts and outstanding money in respect of flat levies.
<b>Plaintiff</b>	Plaintiff is a person/party in a civil case who asks the court for judgement against another person.
<b>Promissory note</b>	Promissory notes are written notes, signed by one person, in which he promises to pay money to another person, or to the bearer of such a note on a specific date or on demand.
<b>Reference month</b>	Reference month refers to one calendar month.
<b>Refer to drawer (RD) cheques</b>	RD Cheques refer to dishonoured cheques. The drawer is the owner of the cheque. When a person issues a cheque and there is no money in the cheque account, the bank will refuse to pay the bearer. The cheque will be referred back to the drawer.
<b>Small claims courts</b>	Small claims courts refer to courts where claims of R3 000 or less are heard. The presiding officer in these courts is called the commissioner. Litigants in the small claims courts do not have to make use of legal representatives.

## **For more information**

Stats SA publishes approximately 300 different statistical 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.

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*Produced by Stats SA*

Table 1 - Number of civil cases recorded and summonses issued for debt according to business enterprises and private persons

Item	Business enterprises and private persons				Private persons			
	2000	2000	2001	2001	2000	2000	2001	2001
		Apr.	Mar.	Apr.		Apr.	Mar.	Apr.
1. Cases recorded								
1.1 Actual figures	1 760 362	119 306	171 675	147 333	1 586 627	106 430	158 014	135 043
1.2 Seasonally adjusted		122 943	154 438	153 026		110 144	141 961	140 882
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	256 588	19 468	23 219	21 370	228 067	17 455	20 774	19 020
2.1.2 Instalment sale transactions	38 918	2 546	4 645	4 359	32 675	2 202	4 296	4 009
2.2 Services								
2.2.1 Professional	181 767	13 206	15 588	13 838	167 514	12 319	14 916	13 315
2.2.2 Other	389 834	26 221	31 882	28 011	361 544	24 301	29 667	26 519
2.3 Rent	67 092	4 409	9 890	7 296	52 754	3 445	8 313	6 127
2.4 Money lent	317 824	19 174	30 695	26 654	297 073	17 845	29 523	25 205
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	106 230	6 033	10 556	9 138	92 357	4 917	9 092	7 740
2.6 Other	220 178	13 170	22 154	16 098	194 923	11 452	20 139	14 156
2.7 Total								
2.7.1 Actual figures	1 578 432	104 227	148 629	126 764	1 426 903	93 935	136 720	116 092
2.7.2 Seasonally adjusted		107 729	135 442	132 000		96 741	123 801	120 520

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
1999	183 828	134 728	39 462	15 786	33 568	118 178	127 479	88 827	46 564	153 977	54 911	29 040
2000	216 481	116 963	36 979	17 474	35 897	115 562	113 989	94 347	44 280	134 031	44 545	33 581
2000 - J	10 668	11 056	5 408	1 161	2 093	7 620	9 349	7 528	3 221	8 083	4 678	2 417
F	18 081	10 629	3 529	1 840	3 453	12 037	9 665	6 721	3 844	18 499	5 302	3 361
M	21 376	9 636	5 075	1 957	3 244	9 826	12 368	7 719	4 694	10 326	4 610	3 246
A	18 080	4 931	2 405	1 221	2 453	8 514	7 207	6 803	3 206	8 614	2 581	1 230
M	21 903	10 615	1 787	1 657	2 763	9 729	9 615	7 109	5 149	21 124	3 702	2 374
J	17 375	7 860	2 066	1 370	2 620	13 017	12 529	8 040	3 957	10 779	2 906	3 497
J	16 251	9 682	4 937	1 204	3 594	9 352	9 998	8 252	3 664	9 205	3 668	2 705
A	21 516	10 103	2 555	1 225	4 020	10 400	8 852	8 347	3 837	7 609	2 558	2 778
S	16 811	11 157	2 099	1 039	2 725	8 862	8 419	6 946	3 129	10 055	4 072	2 876
O	18 226	11 678	1 894	1 842	2 417	9 857	8 419	9 843	3 673	10 870	3 362	3 516
N	21 303	14 388	2 876	1 516	4 026	9 305	10 352	9 972	3 212	11 268	3 799	3 096
D	14 891	5 228	2 348	1 442	2 489	7 043	7 216	7 067	2 694	7 599	3 307	2 485
2001 - J	12 891	9 509	1 938	1 442	3 771	6 484	7 216	7 507	3 341	11 824	3 766	6 619
F	16 231	8 948	6 556	1 035	3 877	10 829	10 785	8 718	3 704	14 951	2 813	6 619
M	23 453	10 380	3 444	1 791	3 911	10 800	12 462	8 683	3 379	16 437	2 727	1 722
A	19 697	13 057	3 444	1 842	3 300	9 504	11 320	6 796	3 220	13 222	2 261	1 722

Table 3 - Number of civil default and consent judgements for debt according to business enterprises and private persons

Item	Business enterprises and private persons				Private persons			
	2000	2000	2001	2001	2000	2000	2001	2001
		Apr.	Mar.	Apr.		Apr.	Mar.	Apr.
1. Judgements								
1.2 Goods sold								
1.2.1 Open account	144 385	11 156	9 956	9 327	133 557	10 376	9 164	8 374
1.2.2 Instalment sale transactions	18 235	1 240	1 308	1 122	16 228	1 155	1 125	958
1.3 Services								
1.3.1 Professional	98 275	6 539	6 731	5 870	95 156	6 296	6 438	5 813
1.3.2 Other	175 793	13 141	12 917	11 121	167 719	12 518	12 097	10 701
1.4 Rent	39 550	2 988	3 476	4 202	31 907	2 338	2 718	2 986
1.5 Money lent	256 710	16 567	25 094	22 137	250 188	15 656	24 416	22 522
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	82 897	6 217	6 708	5 927	78 796	5 881	6 311	5 358
1.7 Other	154 028	7 610	16 330	11 394	144 417	7 170	15 619	10 799
1.1 Total								
1.1.1 Actual figures	969 872	65 458	82 520	71 100	917 970	61 390	77 888	67 511
1.1.2 Seasonally adjusted		70 483	78 271	77 440		66 658	73 923	73 404

Table 4 - Value of civil default and consent judgements for debt according to business enterprises and private persons

Item	Business enterprises and private persons				Private persons			
	2000	2000	2001	2001	2000	2000	2001	2001
		Apr.	Mar.	Apr.		Apr.	Mar.	Apr.
	R1 000							
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	742 225	109 714	77 307	65 227	575 260	97 457	54 621	47 904
1.1.2 Instalment sale transactions	357 065	31 336	33 422	19 815	303 680	27 747	26 366	15 506
1.2 Services								
1.2.1 Professional	184 631	10 452	17 124	11 326	166 085	9 287	15 685	9 250
1.2.2 Other	593 383	38 850	70 723	38 393	529 083	32 803	63 304	31 673
1.3 Rent	308 849	21 069	29 124	27 402	214 731	14 851	19 730	18 109
1.4 Money lent	2 721 455	210 170	294 563	196 998	2 466 145	178 741	277 632	176 345
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	733 964	34 839	50 860	46 188	632 510	28 409	34 242	31 601
1.6 Other	1 440 822	76 762	337 075	166 131	1 117 824	62 231	258 825	129 276
1.7 Total								
1.7.1 Actual figures	7 082 394	533 192	910 198	571 480	6 005 320	451 525	750 406	459 664
1.7.2 Seasonally adjusted		579 591	824 120	605 030		485 811	671 968	498 422