

P0041

Statistics of civil cases for debt

April 2002

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Key figures for the month ended April 2002

Actual estimates	April 2002	% change between April 2001 and April 2002	% change between February 2001 to April 2001 and February 2002 to April 2002	% change between January 2001 to April 2001 and January 2002 to April 2002
Number of civil summonses issued for debt	143 614	+15,8	-1,8	+0,1
Number of civil judgements recorded for debt	79 894	+12,0	-2,4	-7,4
Value of civil judgements recorded for debt (R million)	579,5	-6,0	-4,2	-8,2

Seasonally adjusted estimates	April 2002	% change between March 2002 and April 2002	% change between November 2001 to January 2002 and February 2002 to April 2002
Number of civil summonses issued for debt	151 439	+27,9	-0,3
Number of civil judgements recorded for debt	85 458	+14,4	-4,1
Value of civil judgements recorded for debt (R million)	664,0	+14,9	-6,5

Key findings as at the end of April 2002

The total number of civil summonses for debt decreases

The total number of civil summonses issued for debt for the three months ended April 2002, after seasonal adjustment, decreased by 0,3% compared with the previous three months. Furthermore, the total number of civil summonses issued for debt for the three months ended April 2002, decreased by 1,8% compared with the three months ended April 2001. However, the

total number of civil summonses issued for debt for the first four months of 2002 increased by 0,1% compared with the first four months of 2001.

The major contributors to the decrease of 1,8% in civil summonses issued for debt for the three months ended April 2002 compared with the three months ended April 2001 were civil summonses issued in respect of 'other' services (-3,3 percentage points), goods sold on account (-2,2 percentage points), rent (-1,0 percentage points) and professional services (-0,5 of a percentage point). However, these decreases were partially counteracted by an increase in summonses issued for debt relating to money lent (+4,7 percentage points).

The total number of civil judgements recorded for debt decreases

The total number of civil judgements recorded for debt for the three months ended April 2002, after seasonal adjustment, decreased by 4,0% compared with previous three months. Furthermore, the total number of civil judgements recorded for debt for the three months ended April 2002 decreased by 2,4% compared with the three months ended April 2001. The total number of civil summonses issued for debt for the first four months of 2000 decreased by 7,4% compared with the first four months of 2001.

The major contributors to the decrease of 2,4% in the number of civil judgements recorded for debt for the three months ended April 2002 compared with the three months ended April 2001 were civil judgements recorded in respect of 'other' debts (-5,4 percentage points) and 'other' services (-3,2 percentage points). However, these decreases were partially counteracted by increases in civil judgements relating to money lent (+4,9 percentage points) promissory notes (+0,7 of a percentage point) and instalment sale transactions (+0,6 of a percentage point).

The total value of civil judgements recorded for debt decreases

The total value of civil judgements recorded for debt for the three months ended April 2002, after seasonal adjustment, decreased by 6,5% compared with the previous three months. The total value of civil judgements recorded for debt for the three months ended April 2002, decreased by 4,2% compared with the three months ended April 2001. Furthermore, the total value of civil judgements recorded for debt for the first four months of 2002 decreased by 8,2% compared with the first four months of 2001.

The major contributor to the decrease of 4,2% in the value of civil judgements recorded for debt for the three months ended April 2002 compared with the three months ended April 2001 was civil judgements recorded in respect of 'other' debts (-18,2 percentage points). However, this decrease was partially counteracted by increases in civil judgements relating to money lent (+12,0 percentage points), promissory notes (+1,4 percentage points) and goods sold on account (+1,0 percentage points).

During April 2002, 79 894 civil judgements for debt amounted to R579,5 million. The largest contributors to the R579,5 million were civil judgements relating to money lent (39,1% or R226,7 million) and 'other' debts (18,6% or R108,0 million).

Notes

Forthcoming issues

Issue

Expected release date

May 2002	25 July 2002
June 2002	22 August 2002
July 2002	26 September 2002
August 2002	24 October 2002
September 2002	21 November 2002
October 2002	19 December 2002
November 2002	15 January 2003
December 2002	19 February 2003

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.

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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.

Comparability

- 7 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.
- 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 July 1995. A comparison with the period prior to July 1995 must thus be handled with circumspection.

Statistical unit	<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>
Survey methodology and design	<p>6 The survey is conducted by mail each month from approximately 152 magistrates' offices.</p>
Seasonal adjustment	<p>12 Seasonal adjustment 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>
Trend cycle	<p>13 Smoothed seasonally adjusted estimates are generated using the X-11 Seasonal Adjustment Programme.</p>
Publications	<p>14 Users may also wish to refer to the following publications:</p> <ul style="list-style-type: none"> • Bulletin of Statistics issued quarterly. • SA Statistics issued annually.
Unpublished statistics	<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>
Symbols and abbreviations	<p>16 R/D Refer to Drawer CD Compact Disc Stats SA Statistics South Africa TBVC Transkei, Bophuthatswana, Venda, Ciskei.</p>
Technical notes	
Response rates	<p>The response rate for April was 83,0%</p>

Glossary

Acknowledgement of debt	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.
Bills	Bills are statements of charges for services rendered or for amounts owed.
Civil judgements	Civil judgements are decisions taken in a civil matter or a dispute between two people or parties.
Civil summonses	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.
Consent judgements	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.
Default judgements	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.
Hearings	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.
Instalment sale transactions	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.
Litigants	Litigants are people who take part in court proceedings, usually against each other, like a debtor and a creditor.
Litigants referred	Litigants referred relates to a case where the parties have been referred to another instance/court.
Open account transaction	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.
Other services	“Other services” refers to municipal services (except outstanding assessment rates), plumbers, builders, mechanics, panel-beaters and electricians.
Other kinds of debt	“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.
Plaintiff	Plaintiff is a person/party in a civil case who asks the court for judgement against another person.

Promissory note	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.
Reference month	Reference month refers to one calendar month.
Refer to drawer (RD) cheques	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.
Small claims courts	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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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			
	2001	2001	2002	2002	2001	2001	2002	2002
		Apr.	Mar.	Apr.		Apr.	Mar.	Apr.
Number								
1. Cases recorded								
1.1 Actual figures	1 813 654	144 662	142 351	164 129	1 655 837	132 170	130 154	150 636
1.2 Seasonally adjusted		151 603	127 889	173 272		138 984	117 335	159 548
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	248 080	21 281	17 174	20 302	221 283	18 959	15 482	18 284
2.1.2 Instalment sale transactions	45 565	4 401	3 560	4 880	41 154	4 031	3 185	4 457
2.2 Services								
2.2.1 Professional	167 898	13 611	12 981	15 141	160 340	13 096	12 417	14 250
2.2.2 Other	322 400	27 927	26 426	26 096	301 137	26 234	25 023	24 415
2.3 Rent	82 665	7 292	6 146	7 367	66 000	6 130	4 805	6 011
2.4 Money lent	351 681	24 531	33 186	38 463	335 566	23 026	31 921	37 005
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	111 152	9 027	9 304	10 072	95 936	7 648	8 422	9 084
2.6 Other	234 135	15 981	20 370	21 293	209 683	13 968	17 206	18 596
2.7 Total								
2.7.1 Actual figures	1 563 576	124 051	129 147	143 614	1 431 098	113 094	118 461	132 103
2.7.2 Seasonally adjusted		130 164	118 407	151 438		118 067	109 075	138 871

Table 2 - 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
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
2001	200 575	126 257	30 998	19 520	42 098	109 605	116 694	85 965	43 278	186 626	38 956	48 186
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	23 003	10 380	3 444	1 791	3 911	10 800	12 462	8 077	3 379	16 437	2 727	1 722
A	19 119	13 057	1 708	1 842	3 300	9 504	11 320	6 134	3 220	13 222	2 261	2 636
M	21 742	12 519	3 606	1 370	4 370	9 582	11 733	8 159	4 194	19 208	2 754	2 672
J	18 385	10 095	2 367	2 028	4 646	9 000	10 826	8 252	4 067	15 049	2 277	920
J	16 644	12 649	2 139	1 657	3 721	7 614	9 282	7 352	3 405	13 749	5 577	2 763
A	16 885	10 208	1 903	1 297	3 946	9 396	10 649	6 203	3 542	11 214	6 587	4 352
S	13 065	10 443	1 775	1 957	2 410	7 270	8 720	5 032	3 550	9 986	2 337	2 596
O	15 149	12 793	2 182	1 722	3 082	10 130	8 720	7 559	3 270	15 285	2 922	2 709
N	15 508	11 184	2 225	1 722	3 315	11 873	8 720	7 007	5 306	27 118	2 894	6 617
D	11 953	4 472	1 155	1 657	1 749	7 123	6 261	5 965	2 300	18 583	2 041	7 961
2002 - J	12 399	9 395	1 684	1 657	2 947	6 618	10 413	5 931	3 111	13 571	1 503	2 627
F	12 156	10 065	1 899	769	3 301	13 463	10 413	6 028	3 003	12 691	1 858	2 939
M	15 356	9 855	2 118	3 325	3 393	9 628	11 519	5 327	3 371	12 756	1 751	3 640
A	20 908	9 796	3 344	3 325	3 624	13 563	16 691	5 208	3 013	14 853	3 492	3 726

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			
	2001	2001	2002	2002	2001	2001	2002	2002
		Apr.	Mar.	Apr.		Apr.	Mar.	Apr.
Number								
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	133 233	9 078	10 544	9 229	122 089	8 196	9 859	8 333
1.1.2 Instalment sale transactions	19 342	1 127	2 483	1 337	17 157	946	2 359	1 158
1.2 Services								
1.2.1 Professional	102 587	5 835	6 706	6 711	98 859	5 740	6 557	6 472
1.2.2 Other	159 631	10 990	9 426	12 188	151 104	10 479	8 966	11 213
1.3 Rent	46 551	4 179	3 374	3 742	38 495	3 388	2 721	2 812
1.4 Money lent	310 569	22 045	27 025	29 730	303 382	21 681	26 581	28 333
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	85 482	5 834	7 259	7 384	79 025	5 368	7 082	5 970
1.6 Other	152 749	12 251	9 274	9 573	142 434	11 646	8 396	8 564
1.7 Total								
1.7.1 Actual figures	1 010 144	71 339	76 091	79 894	952 545	67 444	72 522	72 854
1.7.2 Seasonally adjusted		76 213	74 684	85 457		72 470	71 119	78 276

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			
	2001	2001	2002	2002	2001	2001	2002	2002
		Apr.	Mar.	Apr.		Apr.	Mar.	Apr.
	R1 000							
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	1 025 789	65 155	55 321	51 063	848 081	53 812	44 784	36 678
1.1.2 Instalment sale transactions	353 756	19 973	23 879	23 174	286 119	15 765	20 587	18 343
1.2 Services								
1.2.1 Professional	218 869	11 150	14 415	15 082	200 675	9 936	12 890	12 078
1.2.2 Other	770 697	37 339	43 395	47 247	693 405	32 003	38 911	37 253
1.3 Rent	346 812	26 812	25 104	25 621	247 981	18 726	14 974	14 499
1.4 Money lent	2 954 066	195 569	252 920	226 707	2 742 300	184 795	244 170	208 303
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	761 520	46 300	56 617	82 554	625 223	33 237	52 127	40 979
1.6 Other	2 729 738	214 393	190 821	108 005	2 080 050	182 160	85 608	90 448
1.7 Total								
1.7.1 Actual figures	9 161 247	616 691	662 472	579 453	7 723 837	530 433	514 052	458 581
1.7.2 Seasonally adjusted						599 027	444 823	524 901

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