

P0041

Statistics of civil cases for debt

April 2003

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Key figures for the month ended April 2003

Actual estimates

	April 2003	% change between April 2002 and April 2003	% change between February 2002 to April 2002 and February 2003 to April 2003	% change between January 2002 to April 2002 and January 2003 to April 2003
Number of civil summonses issued for debt	129 070	-10,3	+3,2	+1,2
Number of civil judgements recorded for debt	83 895	+4,0	+16,2	+16,4
Value of civil judgements recorded for debt (R million)	538,9	-7,4	-15,7	-17,2

Seasonally adjusted estimates

	April 2003	% change between March 2003 and April 2003	% change between November 2002 to January 2003 and February 2003 to April 2003
Number of civil summonses issued for debt	136 588	+1,5	+0,7
Number of civil judgements recorded for debt	94 391	+2,9	+7,9
Value of civil judgements recorded for debt (R million)	611,0	-3,8	+10,3

Key findings as at the end of April 2003

The total number of civil summonses for debt increases

The total number of civil summonses issued for debt for the three months ended April 2003, after seasonal adjustment, increased by 0,7% compared with the previous three months. Furthermore, the total number of civil summonses issued for debt for the three months ended April 2003 increased by 3,2% compared with the three months ended April 2002. The total number of civil summonses issued for debt for the first four months of 2003 increased by 1,2% compared with the first four months of 2002.

The major contributor to the increase of 3,2% in civil summonses issued for debt for the three months ended April 2003 compared with the three months ended April 2002 was civil summonses issued in respect of money lent (+3,3 percentage points). However, this increase was to a certain extent counteracted by a decrease in summonses issued for debt relating to 'other' services (-0,9 of a percentage point).

The total number of civil judgements recorded for debt increases

The total number of civil judgements recorded for debt for the three months ended April 2003, after seasonal adjustment, increased by 7,9% compared with the previous three months. Furthermore, the total number of civil judgements recorded for debt for the three months ended April 2003 increased by 16,2% compared with the three months ended April 2002. The total number of civil judgements recorded for debt for the first four months of 2003 increased by 16,4% compared with the first four months of 2002.

The major contributors to the increase of 16,2% in the number of civil judgements recorded for debt for the three months ended April 2003 compared with the three months ended April 2002 were civil judgements recorded in respect of money lent (+8,5 percentage points), 'other' debts (+3,5 percentage points) and promissory notes (+2,0 percentage points).

The total value of civil judgements recorded for debt increases

The total value of civil judgements recorded for debt for the three months ended April 2003, after seasonal adjustment, increased by 10,3% compared with the previous three months. However, the total value of civil judgements recorded for debt for the three months ended April 2003 decreased by 15,7% compared with the three months ended April 2002. Furthermore, the total value of civil judgements recorded for debt for the first four months of 2003 decreased by 17,2% compared with the first four months of 2002.

The major contributor to the decrease of 15,7% in the value of civil judgements recorded for debt for the three months ended April 2003 compared with the three months ended April 2002 was civil judgements recorded in respect of money lent (-11,9 percentage points).

During April 2003, 83 895 civil judgements for debt amounted to R538,9 million. The largest contributors to the R538,9 million were civil judgements relating to money lent (37,3% or R201,1 million) and 'other' debts (19,8% or R106,9 million).

Notes

Forthcoming issues	Issue	Expected release date
	May 2003	24 July 2003
	June 2003	21 August 2003
	July 2003	25 September 2003
	August 2003	23 October 2003
	September 2003	20 November 2003
	October 2003	18 December 2003
	November 2003	22 January 2004
	December 2003	19 February 2004

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 surveys collect 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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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>11 The survey is conducted by mail each month from approximately 152 magistrates' offices.</p>
Seasonal adjustment	<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>
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 82,1%</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.
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 debt” 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.

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			
	2002	2002	2003	2003	2002	2002	2003	2003
		Apr.	Mar.	Apr.		Apr.	Mar.	Apr.
1. Cases recorded								
1.1 Actual figures	1 767 972	164 308	157 504	129 763	1 621 373	150 367	145 264	118 716
1.2 Seasonally adjusted		177 909	147 483	140 680		163 819	135 559	129 471
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	223 861	21 209	19 890	16 648	199 061	19 107	17 451	14 447
2.1.2 Instalment sale transactions	49 300	4 944	3 904	3 116	44 575	4 523	3 444	2 780
2.2 Services								
2.2.1 Professional	160 975	14 980	13 365	11 446	153 212	14 089	12 584	10 751
2.2.2 Other	279 104	26 170	25 804	22 767	261 487	24 348	23 998	21 149
2.3 Rent	82 479	7 657	7 345	6 615	67 585	6 164	5 905	5 573
2.4 Money lent	424 521	38 795	41 844	33 725	408 465	37 283	40 428	32 722
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	120 050	9 882	10 826	11 162	108 624	8 872	10 029	10 448
2.6 Other	238 515	20 174	19 871	23 591	208 748	17 475	17 815	20 902
2.7 Total								
2.7.1 Actual figures	1 578 805	143 811	142 849	129 070	1 451 756	131 860	131 654	118 772
2.7.2 Seasonally adjusted		152 395	134 597	136 588		139 927	124 052	125 977

Table 2 - Number of civil cases recorded in selected magistrates' offices

Year or month	Cape Peninsula	Port Elizabeth	East-London	Kimberley	Pieter-maritzburg	Durban	Johannesburg	East Rand	West Rand	Pretoria	Vereeniging and Vanderbijlpark	Bloemfontein
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
2002	200 806	98 361	32 159	20 667	39 642	135 995	150 355	74 363	42 837	162 978	29 548	42 588
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	5 847	3 371	12 756	1 751	3 640
A	20 988	9 796	3 344	3 325	3 624	13 563	16 691	5 208	3 013	14 853	3 492	3 726
M	20 483	9 796	2 664	943	4 174	12 811	14 247	5 682	3 144	13 848	3 142	3 751
J	14 132	6 109	2 386	943	3 340	10 140	10 951	6 295	3 116	12 321	2 187	3 947
J	17 194	8 335	2 747	990	4 818	9 948	13 946	6 850	4 010	12 357	4 442	4 297
A	14 614	7 400	2 926	990	2 900	10 487	11 742	6 044	3 351	14 219	2 552	4 266
S	17 873	6 999	3 184	990	2 724	10 283	13 822	5 584	3 480	11 698	1 984	4 417
O	19 587	10 551	3 184	990	3 579	13 578	13 822	6 869	4 539	18 602	2 241	2 810
N	22 178	5 970	3 466	990	2 501	16 979	13 822	7 732	4 881	15 955	2 880	3 005
D	13 846	4 090	2 557	4 755	2 341	8 497	8 967	6 293	3 818	10 107	1 516	3 163
2003 - J	14 177	7 468	2 485	4 755	2 845	8 389	8 967	4 122	4 833	14 363	1 908	4 578
F	16 617	9 707	3 828	2 028	2 708	11 544	12 822	6 445	5 998	16 259	2 819	6 164
M	15 098	10 104	3 091	2 017	2 941	11 797	14 690	8 256	5 590	12 175	3 056	6 164
A	15 395	6 154	2 564	2 017	3 284	11 414	11 964	7 229	3 321	385	2 544	6 687

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			
	2002	2002	2003	2003	2002	2002	2003	2003
		Apr.	Mar.	Apr.		Apr.	Mar.	Apr.
1. Judgements								
1.2 Goods sold								
1.2.1 Open account	126 628	9 581	12 312	11 329	117 250	8 666	11 441	10 458
1.2.2 Instalment sale transactions	19 199	1 403	1 764	1 924	17 504	1 224	1 615	1 789
1.3 Services								
1.3.1 Professional	87 470	6 974	7 413	6 740	84 703	6 729	7 167	6 480
1.3.2 Other	141 975	12 418	11 717	9 291	134 423	11 428	11 066	8 594
1.4 Rent	40 908	3 817	3 016	3 496	33 333	2 888	2 383	2 556
1.5 Money lent	353 534	30 004	33 606	32 928	342 101	28 620	32 807	31 618
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	89 667	7 407	8 248	8 796	84 318	5 995	7 975	8 494
1.7 Other	115 448	9 097	13 846	9 391	107 653	8 090	12 643	8 664
1.1 Total								
1.1.1 Actual figures	974 829	80 701	91 922	83 893	921 288	73 639	87 098	78 653
1.1.2 Seasonally adjusted		90 075	91 771	94 390		81 625	86 807	87 724

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			
	2002	2002	2003	2003	2002	2002	2003	2003
		Apr.	Mar.	Apr.		Apr.	Mar.	Apr.
	R1 000							
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	700 636	54 811	58 757	50 832	566 069	39 841	54 523	39 651
1.1.2 Instalment sale transactions	372 769	23 079	23 873	29 298	319 937	18 247	20 307	22 025
1.2 Services								
1.2.1 Professional	198 575	15 540	17 173	15 431	178 992	12 389	15 107	12 984
1.2.2 Other	704 819	48 386	52 114	41 723	634 849	38 283	45 233	36 895
1.3 Rent	285 870	25 971	22 814	26 178	200 262	14 793	15 903	18 027
1.4 Money lent	2 913 589	230 631	259 195	201 135	2 715 389	212 252	237 548	177 905
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	629 408	78 977	149 094	67 359	515 452	37 430	140 943	59 210
1.6 Other	1 663 897	104 629	162 174	106 924	1 170 800	87 147	163 831	82 607
1.7 Total								
1.7.1 Actual figures	7 469 563	582 024	745 194	538 880	6 301 749	460 381	693 395	449 304
1.7.2 Seasonally adjusted		656 930	635 446	611 041		533 906	573 348	525 863