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# Statistics of civil cases for debt

August 1998

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**Embargo: 09:30  
Date: 22 October 1998**

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Published by  
Statistics South Africa  
Private Bag X44  
Pretoria  
0001

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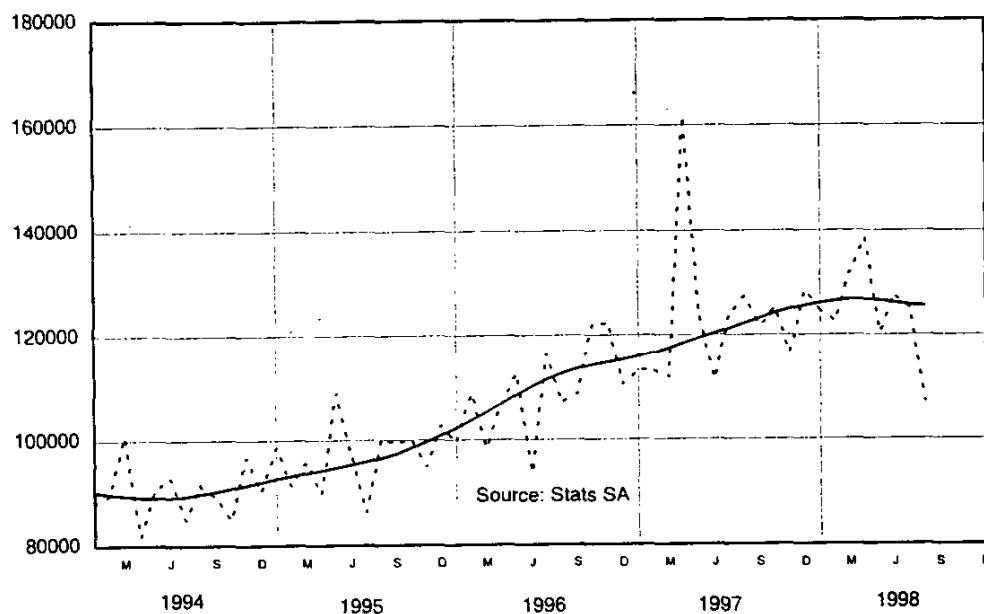
## CIVIL SUMMONSES FOR DEBT DECREASE WHILE CIVIL JUDGEMENTS FOR DEBT INCREASE

*The total number of civil summonses for debt recorded for the three months up to August 1998 decreased by 7,9% after seasonal adjustment compared with the preceding three months and was 0,6% lower than the corresponding period of a year ago. The total number of civil judgements for debt increased by 16,0% after seasonal adjustment compared with the previous three months and was 22,6% higher than the same period a year ago.*

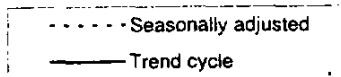
The decrease of 7,9% in civil summonses for debt can mainly be attributed to fewer civil summonses issued in respect of professional services (-4,2%) and "other services" (-12,7%). During August 1998, 13 557 or 12,3% of the total summonses for debt issued, were for civil summonses relating to "professional services" and 29 694 or 26,9% were regarding "other services".

During August 1998, 80 170 civil judgements for debt were issued, which involved R500,9 million. The major contributor to the R500,9 million was civil judgements for debt relating to money lent (R176,0 million), followed by promissory notes, R/D cheques, credit cards and other acknowledgements of debt (R61,7 million) and "other services" (R47,2 million).

### CIVIL SUMMONSES ISSUED - NUMBER



Scale: Semi-logarithmic



PP  
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Head: Statistics South Africa

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Period	Number		Percentage change	
	Summonses for debt	Civil judgements for debt	Summonses for debt	Civil judgements for debt
<b>Actual figures:</b>				
Jun. 1998 - Aug. 1998	388 094	239 669	-0,6	+22,6
Jun. 1997 - Aug. 1997	390 283	195 474		
<b>Seasonally adjusted figures:</b>				
Jun. 1998 - Aug. 1998	360 018	228 242	-7,9	+16,0
Mar. 1998 - May 1998	390 836	196 688		

## EXPLANATORY NOTES

The particulars 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.

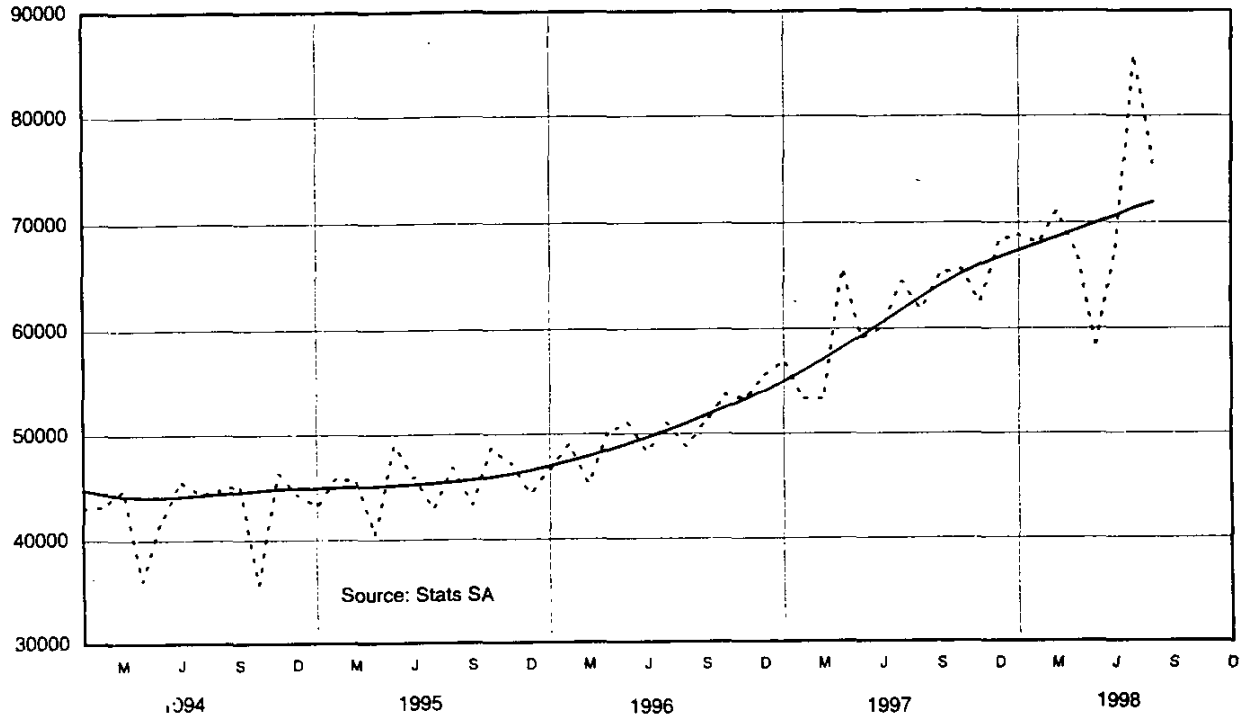
## COMPARABILITY

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.

## SMALL CLAIMS COURTS

Statistics in respect of small claims courts are updated annually.

### CIVIL JUDGEMENTS FOR DEBT - NUMBER



Scale: Semi-logarithmic

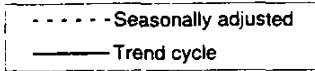


TABLE 1 - NUMBER OF CIVIL CASES RECORDED AND SUMMONSES FOR DEBT ISSUED

Item	Business enterprises and private persons						Private persons					
	1997		1998		1997		1997		1998		1997	
	Aug.	Jul.	Aug.	Jul.	Aug.	Jul.	Aug.	Jul.	Aug.	Jul.	Aug.	
1. Cases recorded	Number											
1.1 Actual figures	1 546 465	121 345	148 313	135 983	1 374 961	110 122	134 680	121 601	107 376	121 265	117 421	
1.2 Seasonally adjusted	118 760	133 592	131 996									
2. Civil summonses for debt												
2.1 Total	1 476 165	110 189	137 694	131 768	1 316 611	100 240	125 445	117 809	96 128	114 213	112 167	
2.1.1 Actual figures												
2.1.1.2 Seasonally adjusted	107 194	125 129	127 243									
2.2 Goods sold	260 430	16 670	22 429	21 842	224 674	14 535	19 567	18 992	2 457	3 063	3 716	
2.2.1 Open account	43 813	2 720	3 421	3 999	39 060							
2.2.2 Instalment sale transactions												
2.3 Services	193 793	13 557	16 659	15 517	181 433	12 592	15 551	14 690	27 292	27 481	37 627	
2.3.1 Professional	418 095	29 694	30 149	41 731	381 452							
2.3.2 Other												
2.4 Rent	75 350	5 246	5 848	7 664	52 385	4 265	4 636	4 640				
2.5 Money lent	213 227	19 531	27 597	18 487	199 886	18 417	26 079	17 688				
2.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	97 731	7 200	9 805	7 496	85 039	6 595	8 907	6 738				
2.7 Other	173 726	15 571	21 786	15 032	152 682	14 087	20 161	13 718				

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
1996	170 524	110 152	18 523	8 717	31 347	80 469	143 379	84 677	31 309	107 156	24 056	25 026
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
1997 - J	13 055	5 329	1 510	714	2 341	5 205	7 547	5 830	2 723	8 084	1 921	1 237
F	13 515	9 050	1 403	649	2 760	6 369	10 279	6 224	3 173	9 206	2 278	1 401
M	13 504	9 082	1 506	706	2 763	9 675	12 361	6 596	2 963	9 659	1 840	1 137
A	20 656	31 432	1 668	606	2 900	10 135	16 215	9 058	2 563	8 147	2 403	1 552
M	14 672	16 374	1 427	663	2 700	9 121	12 515	11 397	3 052	8 871	5 185	1 240
J	14 992	10 831	1 881	829	2 440	10 430	16 826	8 064	2 898	9 316	3 737	2 630
J	15 765	8 502	1 763	672	3 120	9 304	21 567	9 634	3 596	9 912	4 842	1 380
A	15 543	6 233	1 721	696	2 198	6 281	20 005	11 194	3 410	11 081	6 081	2 110
S	17 160	8 794	1 422	504	2 362	9 336	10 941	7 062	3 279	10 253	3 986	1 663
O	13 845	12 731	1 751	760	3 456	11 399	16 002	7 426	3 097	13 795	8 594	2 344
N	14 830	9 963	1 617	613	2 775	9 444	15 736	8 944	3 081	10 014	6 406	1 912
D	12 960	6 749	1 648	450	2 310	7 436	11 306	6 408	2 317	6 724	1 670	1 302
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	3 065	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

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

Item	Business enterprises and private persons						Private persons					
	1997		1998		1997		1998		1997		1998	
	Aug.	Jul.	Aug.	Jul.	Aug.	Jul.	Aug.	Jul.	Aug.	Jul.	Aug.	
1. Judgements	Number											
1.1 Total	736 264	80 170	93 435	66 208	689 927	75 839	89 584	62 265	70 738	81 752	57 966	
1.1.1 Actual figures												
1.1.2 Seasonally adjusted	135 496	12 007	12 238	12 416	123 279	11 003	11 138	11 284	11 003	11 138	11 284	
1.2 Goods sold	11 636	1 317	1 273	999	10 633	1 264	1 167	867	1 264	1 167	867	
1.2.1 Open account												
1.2.2 Instalment sale transactions												
1.3 Services	92 399	8 398	8 920	7 773	89 600	8 223	8 769	7 592	8 223	8 769	7 592	
1.3.1 Professional	163 725	24 007	34 498	14 938	154 323	22 973	33 630	14 207	22 973	33 630	14 207	
1.3.2 Other												
1.4 Rent	30 302	2 738	2 702	2 503	23 795	1 874	2 422	2 084	1 874	2 422	2 084	
1.5 Money lent	135 704	15 985	16 190	12 131	132 805	15 795	15 916	11 894	15 795	15 916	11 894	
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	65 918	5 291	6 371	5 891	61 897	5 023	5 958	5 516	5 023	5 958	5 516	
1.7 Other	101 084	10 427	11 243	9 557	93 595	9 684	10 584	8 821	9 684	10 584	8 821	
R1 000												
1. Judgements	5 295 876	500 928	532 036	453 651	4 543 651	431 080	430 949	384 210	431 080	430 949	384 210	
1.1 Total												
1.2 Goods sold	462 462	46 494	45 291	39 500	301 544	32 607	29 555	25 584	32 607	29 555	25 584	
1.2.1 Open account	254 877	28 292	28 790	22 461	219 404	26 477	24 976	18 871	26 477	24 976	18 871	
1.2.2 Instalment sale transactions												
1.3 Services	130 017	14 338	14 598	10 690	116 976	13 508	13 165	9 837	13 508	13 165	9 837	
1.3.1 Professional	388 655	47 156	53 410	31 889	318 375	41 573	45 773	26 275	41 573	45 773	26 275	
1.3.2 Other												
1.4 Rent	192 252	19 880	23 328	17 628	142 025	13 905	17 826	13 168	13 905	17 826	13 168	
1.5 Money lent	2 325 543	176 049	206 115	200 571	2 185 360	162 902	191 515	188 393	162 902	191 515	188 393	
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	528 046	61 706	42 993	45 845	466 173	57 788	33 698	37 275	57 788	33 698	37 275	
1.7 Other	1 014 024	107 013	117 511	85 067	793 794	82 320	74 441	64 807	82 320	74 441	64 807	



## SMALL CLAIMS COURTS

### NOTES

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.

### 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.

### 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 - SMALL CLAIMS COURTS, LITIGANTS REFERRED, SUMMONSES ISSUED AND HEARINGS**

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

Source: Department of Justice