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# Statistics of civil cases for debt

August 1999

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**CIVIL DEBT CASES HIGHER THAN A YEAR AGO**

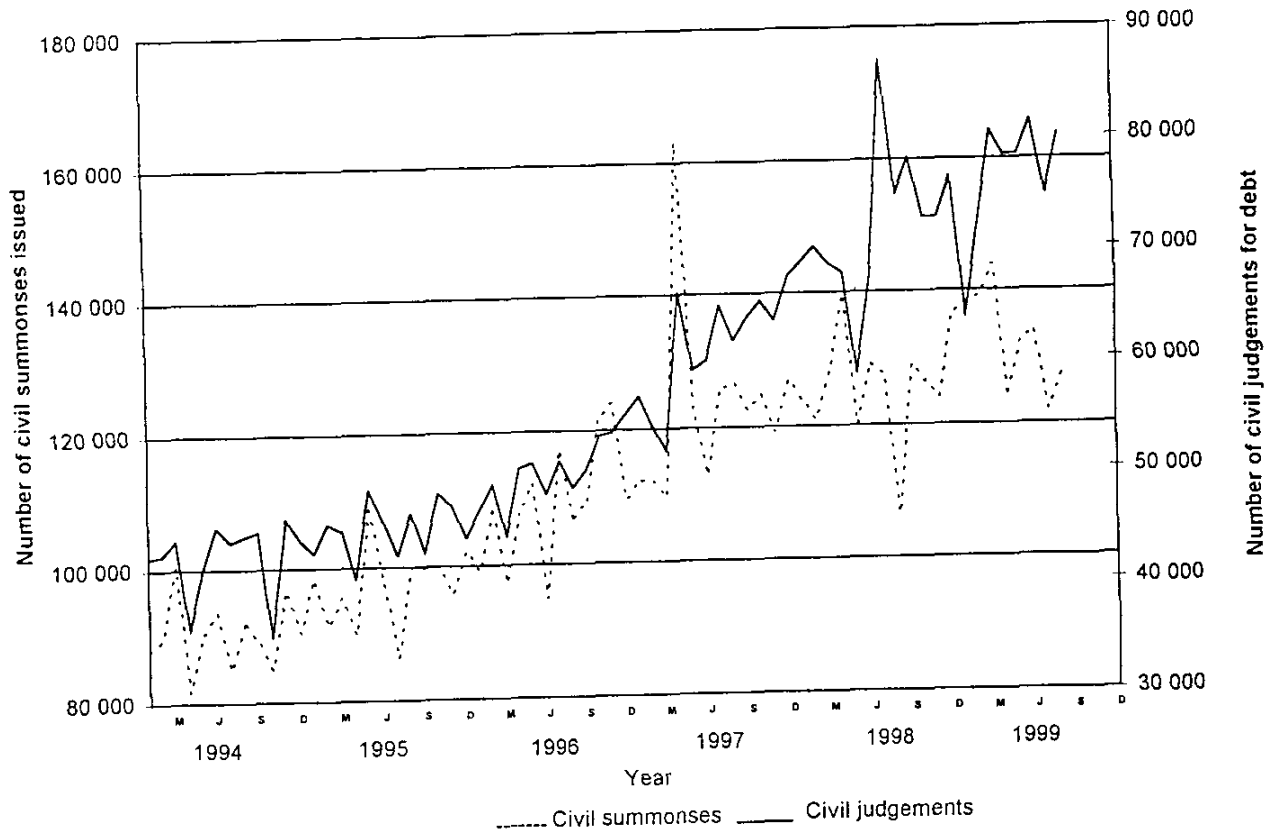
*The total number of civil summonses for debt recorded for the three months up to August 1999 increased by 5,2% (from 388 094 to 408 197) compared with the corresponding period of 1998. However, the total number of civil summonses for debt recorded for the three months up to August 1999, after seasonal adjustment, is 4,3% lower than the previous three months.*

*The total number of civil judgements for debt recorded for the three months up to August 1999 increased by 2,6% from 239 669 to 245 824 compared with the same period of 1998. However, the total number of civil judgements for debt recorded for the three months up to August 1999, after seasonal adjustment, is 0,4% lower than the preceding three months.*


The increase of 5,2% in civil summonses for debt was mainly due to more civil summonses issued regarding money lent (+16,5%), promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt (+10,3%) and professional services (+7,2%). Of the total summonses issued during August 1999, 33,7% or 44 236 was for civil summonses relating to services, 21,7% or 29 974 was in respect of money lent and 15,3% or 20 145 was in respect of goods sold on open account.

During August 1999, 85 939 civil judgements for debt were issued amounting to R705.2 million. The largest contributors to the R705.2 million were civil judgements relating to money lent (41,3% or R291,0 million), followed by goods sold on open account (8,9% or R62,9 million) and civil judgements in respect of promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt (8,7% or R61,2 million).

Figure 1 - Civil summonses and judgements for debt



Source : Stats S A

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>				
Jun. 1999 - Aug. 1999	408 197	245 824	+5,2	+2,6
Jun. 1998 - Aug. 1998	388 094	239 669		
<b>Seasonally adjusted figures:</b>				
Jun. 1999 - Aug. 1999	383 369	236 362	-4,3	-0,4
Mar. 1999 - May 1999	400 522	237 208		

## 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			
	1998	1999	1999	1998	1998	1999	1999	1998
		Aug.	Jul.	Aug.		Aug.	Jul.	Aug.
Number								
1. Cases recorded								
1.1 Actual figures	1 619 083	140 837	142 789	121 345	1 473 808	128 224	131 067	110 122
1.2 Seasonally adjusted		139 578	132 075	119 513		125 206	121 557	107 000
2. Civil summonses for debt								
2.1 Total								
2.1.1 Actual figures	1 508 999	131 365	131 917	110 189	1 375 287	120 827	121 361	100 240
2.1.2 Seasonally adjusted		127 218	121 998	106 377		116 133	112 452	96 058
2.2 Goods sold								
2.2.1 Open account	234 857	20 145	20 665	16 670	206 154	18 179	18 738	14 535
2.2.2 Instalment sale transactions	36 053	2 506	3 423	2 720	31 639	2 231	3 054	2 457
2.3 Services								
2.3.1 Professional	175 855	15 742	16 264	13 557	163 941	14 756	15 004	12 592
2.3.2 Other	424 975	28 494	33 564	29 694	394 185	26 341	31 781	27 292
2.4 Rent	63 796	4 913	4 998	5 246	50 891	4 047	4 111	4 265
2.5 Money lent	261 162	29 974	25 339	19 531	244 867	28 772	24 128	18 417
2.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	107 581	9 246	9 044	7 200	96 912	8 628	8 207	6 595
2.7 Other	204 720	20 365	18 620	15 571	186 698	17 873	16 338	14 087

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	8 842	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	12 218	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
M	19 003	15 590	1 753	1 899	3 535	9 182	8 993	7 297	3 758	10 494	4 797	3 305
J	19 674	16 411	4 782	1 044	2 947	9 158	11 020	8 377	3 862	10 513	6 478	2 694
J	16 015	11 566	1 626	1 841	3 054	9 218	10 123	8 409	4 876	10 215	7 121	2 127
A	15 112	11 085	3 892	1 328	2 739	10 273	8 433	8 155	5 221	10 248	5 695	1 711

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

Item	Business enterprises and private persons				Private persons			
	1998	1999	1999	1998	1998	1999	1999	1998
		Aug.	Jul.	Aug.		Aug.	Jul.	Aug.
	Number							
1. Judgements								
1.1 Total								
1.1.1 Actual figures	864 554	85 939	80 627	80 170	812 495	80 973	75 982	75 839
1.1.2 Seasonally adjusted		80 164	74 771	74 813		75 262	69 842	70 549
1.2 Goods sold								
1.2.1 Open account	133 896	14 259	13 555	12 007	120 892	13 081	12 374	11 003
1.2.2 Instalment sale transactions	16 170	1 783	1 661	1 317	14 675	1 658	1 522	1 264
1.3 Services								
1.3.1 Professional	97 052	9 861	10 295	8 398	94 501	9 317	9 868	8 223
1.3.2 Other	199 715	12 975	14 063	24 007	187 261	12 093	13 287	22 973
1.4 Rent	32 484	2 961	2 721	2 738	24 858	2 433	2 293	1 874
1.5 Money lent	185 153	24 022	18 622	15 985	182 020	23 654	18 302	15 795
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	65 086	6 758	7 300	5 291	60 786	6 275	6 833	5 023
1.7 Other	134 998	13 320	12 410	10 427	127 502	12 462	11 503	9 684
	R1 000							
1. Judgements								
1.1 Total	6 388 098	705 188	644 281	500 928	5 475 146	587 843	532 372	431 080
1.2 Goods sold								
1.2.1 Open account	547 637	62 942	56 564	46 494	366 703	44 139	39 214	32 607
1.2.2 Instalment sale transactions	322 633	37 075	36 252	28 292	281 936	31 751	31 319	26 477
1.3 Services								
1.3.1 Professional	169 718	20 296	22 053	14 338	151 378	17 032	19 418	13 508
1.3.2 Other	494 851	41 184	41 021	47 156	418 555	34 931	34 947	41 573
1.4 Rent	224 191	21 285	24 310	19 880	165 551	16 271	15 124	13 905
1.5 Money lent	2 413 180	290 958	248 092	176 049	2 255 045	275 891	227 934	162 902
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	638 841	61 157	79 880	61 706	553 328	51 894	68 518	57 788
1.7 Other	1 577 047	170 291	136 109	107 013	1 282 650	115 934	95 898	82 320

## 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

- o "Courts" relate to the total number of small claims courts at the end of the months as indicated.
- o "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