



Statistics of civil cases for debt

August 2002

Co-operation between Statistics South Africa (Stats SA), the citizens of the country, the private sector and government institutions is essential for a successful statistical system. Without continued co-operation and goodwill, the timely release of relevant and reliable official statistics will not be possible.

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Key figures for the month ended August 2002

Actual estimates	August 2002	% change between August 2001 and August 2002	% change between June 2001 to August 2001 and June 2002 to August 2002	% change between January 2001 to August 2001 and January 2002 to August 2002
Number of civil summonses issued for debt	132 410	+0,1	-2,2	-1,5
Number of civil judgements recorded for debt	87 221	+1,4	-7,2	-7,4
Value of civil judgements recorded for debt (R million)	633,9	-23,2	-20,3	-15,0

Seasonally adjusted estimates

	August 2002	% change between July 2002 and August 2002	% change between March 2002 to May 2002 and June 2002 to August 2002
Number of civil summonses issued for debt	129 402	-4,7	-4,8
Number of civil judgements recorded for debt	81 761	+0,1	-1,7
Value of civil judgements recorded for debt (R million)	589,3	-6,6	-1,4

Key findings as at the end of August 2002

The total number of civil summonses for debt decreases

The total number of civil summonses issued for debt for the three months ended August 2002, after seasonal adjustment, decreased by 4,8% compared with the previous three months. Furthermore, the total number of civil summonses issued for debt for the three months ended August 2002, decreased by 2,2% compared with the three months ended August 2001. The total number of civil summonses issued for debt for the first eight months of 2002 decreased by 1,5% compared with the first eight months of 2001.

The major contributors to the decrease of 2,2% in civil summonses issued for debt for the three months ended August 2002 compared with the three months ended August 2001 were civil summonses issued in respect of 'other' services (-3,7 percentage points) and goods sold on account (-2,5 percentage points). However, this decrease was partially counteracted by an increase in summonses issued for debt relating to money lent (4,1 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 August 2002, after seasonal adjustment, decreased by 1,7% compared with the previous three months. Furthermore, the total number of civil judgements recorded for debt for the three months ended August 2002 decreased by 7,2% compared with the three months ended August 2001. The total number of civil judgements recorded for debt for the first eight months of 2002 decreased by 7,4% compared with the first eight months of 2001.

The major contributors to the decrease of 7,2% in the number of civil judgements recorded for debt for the three months ended August 2002 compared with the three months ended August 2001 were civil judgements recorded in respect of 'other' debts (-3,9 percentage points), goods sold on account (-2,0 percentage points) and professional services (-1,5 percentage points).

The total value of civil judgements recorded for debt decreases

The total value of civil judgements recorded for debt for the three months ended August 2002, after seasonal adjustment, decreased by 1,4% compared with the previous three months. The total value of civil judgements recorded for debt for the three months ended August 2002 decreased by 20,3% compared with the three months ended August 2001. Furthermore, the total value of civil judgements recorded for debt for the first eight months of 2002 decreased by 15,0% compared with the first eight months of 2001.

The major contributors to the decrease of 20,3% in the value of civil judgements recorded for debt for the three months ended August 2002 compared with the three months ended August 2001 were civil judgements recorded in respect of goods sold on account (-6,9 percentage points), money lent (-4,9 percentage points), 'other' debts (-4,6 percentage points) and promissory notes (-3,9 percentage points).

During August 2002, 87 221 civil judgements for debt amounted to R633,9 million. The largest contributors to the R633,9 million were civil judgements relating to money lent (38,9% or R246,3 million) and 'other' debts (17,8% or R112,7 million).

Figure 1 - Civil summonses for debt

Figure 2 - Civil judgements for debt

Notes

Forthcoming issues

Issue

Expected release date

September 2002	21 November 2002
October 2002	19 December 2002
November 2002	23 January 2003
December 2002	20 February 2003
January 2003	27 March 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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Table 19 - 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.

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 August was 80,8%</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 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.

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

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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
		Aug.	Jul.	Aug.		Aug.	Jul.	Aug.
Number								
1. Cases recorded								
1.1 Actual figures	1 813 654	150 482	158 515	145 564	1 655 837	138 282	145 637	132 196
1.2 Seasonally adjusted		151 197	154 764	145 752		138 245	142 213	131 680
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	248 080	20 645	19 679	19 526	221 283	18 257	17 759	17 548
2.1.2 Instalment sale transactions	45 565	3 483	4 674	4 720	41 154	3 152	4 219	4 245
2.2 Services								
2.2.1 Professional	167 898	13 757	13 860	13 820	160 340	13 010	13 264	13 032
2.2.2 Other	322 400	25 632	23 781	21 573	301 137	24 073	22 077	20 275
2.3 Rent	82 665	7 522	7 614	8 009	66 000	6 111	6 181	6 674
2.4 Money lent	351 681	29 578	39 987	36 078	335 566	28 227	37 815	34 575
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	111 152	10 007	11 979	9 691	95 936	8 516	11 091	8 427
2.6 Other	234 135	21 661	22 385	18 993	209 683	19 771	20 092	16 679
2.7 Total								
2.7.1 Actual figures	1 563 576	132 285	143 959	132 410	1 431 098	121 117	132 500	121 456
2.7.2 Seasonally adjusted		129 357	135 834	129 401		117 978	125 076	118 177

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
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	5 847	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	16 127	6 109	2 386	943	3 340	10 140	10 951	6 295	3 116	12 321	2 187	3 947
J	18 106	8 335	2 747	990	4 818	9 948	13 946	6 850	4 010	12 357	4 442	4 297
A	17 270	7 400	2 926	990	2 900	10 487	11 742	6 044	3 351	14 219	2 552	4 266

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
		Aug.	Jul.	Aug.		Aug.	Jul.	Aug.
Number								
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	133 233	11 850	11 882	11 036	122 089	10 831	10 866	10 279
1.1.2 Instalment sale transactions	19 342	1 655	1 425	1 696	17 157	1 407	1 260	1 463
1.2 Services								
1.2.1 Professional	102 587	8 849	8 282	7 310	98 859	8 497	8 041	6 957
1.2.2 Other	159 631	14 561	14 513	15 377	151 104	13 998	13 872	14 789
1.3 Rent	46 551	4 604	3 348	3 440	38 495	4 060	2 623	2 706
1.4 Money lent	310 569	26 594	33 380	32 024	303 382	25 995	32 465	31 351
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	85 482	6 590	8 471	7 245	79 025	6 215	7 468	6 961
1.6 Other	152 749	11 350	10 974	9 093	142 434	10 748	10 195	8 548
1.7 Total								
1.7.1 Actual figures	1 010 144	86 053	92 275	87 221	952 545	81 751	86 790	83 054
1.7.2 Seasonally adjusted		80 400	81 654	81 761		76 549	77 164	78 119

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
		Aug.	Jul.	Aug.		Aug.	Jul.	Aug.
	R 1000							
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	1 025 789	157 206	56 328	59 464	848 081	141 214	43 691	49 320
1.1.2 Instalment sale transactions	353 756	28 681	23 304	63 526	286 119	22 708	18 953	59 708
1.2 Services								
1.2.1 Professional	218 869	13 740	19 683	24 602	200 675	12 432	18 423	22 798
1.2.2 Other	770 697	61 909	57 814	66 654	693 405	55 144	51 966	63 054
1.3 Rent	346 812	28 398	32 526	23 655	247 981	20 672	23 494	13 885
1.4 Money lent	2 954 066	267 963	243 510	246 330	2 742 300	251 853	232 142	231 637
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	761 520	71 961	43 839	36 913	625 223	63 821	36 929	27 431
1.6 Other	2 729 738	195 813	183 041	112 731	2 080 050	139 700	106 953	85 902
1.7 Total								
1.7.1 Actual figures	9 161 247	825 671	660 045	633 875	7 723 837	707 544	532 552	553 735
1.7.2 Seasonally adjusted		772 274	630 555	589 249		659 884	506 257	513 155